National Park Service
U.S. Department of the Interior

State, Tribal, Local, Plans & Grants Division
Cultural Resources, Partnerships, and Science Directorate

Federal Historic Preservation Laws

The Official Compilation of U.S. Cultural Heritage Statutes

2018 Edition

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5th edition 2018, revised by Jessica Goodman

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Washington, DC

Front cover: This mural, titled "An Incident in Contemporary American Life," was painted in the Stuart Lee Udall Department of the Interior building in 1942 by American artist Mitchell Jamieson. The image depicts a crowd gathered at the Lincoln Memorial in 1939 to see a concert by the singer Marion Anderson, who had been denied the opportunity to perform at a private venue in DC months earlier based on her race. Photograph courtesy of the Carol M. Highsmith collection, attained through the Library of Congress digital photo archive.

Back cover: In the center, President Lyndon B. Johnson signs the National Historic Preservation Act of 1966, photograph courtesy of the Lyndon B. Johnson Presidential Library. To the left and right, architectural details on the exterior of the Stuart Lee Udall Department of the Interior building, photographs by Matthew Payne.

Inside covers: A grand view of the central staircase in the Stuart Lee Udall Department of the Interior Building in Washington, DC. Photograph courtesy of the Historic American Buildings Survey.

Table of Contents

LAWS LISTED CHRONOLOGICALLY

Introduction 1

Editors' Note: Title 54 4

Antiquities Act 7

National Park Service Organic Act, Selections:
NPS Mission and Reports on Threatened Landmarks 9

Historic Sites Act 15

Federal Property and Administrative Services Act 23

National Trust for Historic Preservation 29

Archeological and Historic Preservation Act 34

National Historic Preservation Act 41

Department of Transportation Act Section 4f,
as Amended 124

National Environmental Policy Act 130

National Marine Sanctuaries Act, Selections:
Designation, Research, And Limitations 134

Coastal Zone Management Act, Selections:
Policy and Grants 149

Department of Transportation Act,
Section 4(i) – Amtrak Improvement Act 165

Public Buildings Cooperative Use Act 170

American Indian Religious Freedom Act 172

Archeological Resources Protection Act 173

Commemoration of Former Presidents 187

Commission for the Preservation
of America's Heritage Abroad 189

Abandoned Shipwreck Act 193

Internal Revenue Code, Selections: Qualified Conservation
Contributions and Rehabilitation Tax Credit 199

Table of Contents

CONTINUED

Native American Graves Protection and Repatriation Act 210

National Underground Railroad Network to Freedom ... 228

Intermodal Surface Transportation Efficiency Act 233

American Battlefield Protection Act 237

National Maritime Heritage Act 240

Save America's Treasures 253

Preserve America 258

Sunken Military Craft Act 263

National Women's Rights History Project 267

Appendix 273

Index 274

Introduction

This fifth version of *Federal Historic Preservation Laws* contains 28 federal laws and portions of laws that pertain to the preservation of the United States' cultural heritage. Arranged chronologically, this publication demonstrates how the body of law has developed and grown over the course of the 20th century and beyond. Because of the variety and number of Federal statutes that contain some historic preservation component, this publication focuses on those statutes that are of key importance to historic preservation and cultural resources work. For many of the statutes in this publication, only the most pertinent sections are included. Though local communities have long been at the forefront of historic preservation initiatives, this book focuses exclusively on the development of Federal law and policy surrounding historic resources. Past versions of *Federal Historic Preservation Laws* have helped everyone from government agencies and lawyers, to university professors and everyday citizens, to reference and understand the Federal framework of historic preservation law. This newest update aims to build on that function by presenting recent changes in the law in an intuitive format so that that groups and individuals may continue to draw upon it as a tool to preserve what makes their communities special.

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The National Park Service has always operated at the core of the Federal historic preservation program. From its creation in 1916, the National Park Service assumed responsibility for the many historical and cultural sites of the National Park System. Over the years, the size and scope of historic preservation laws have expanded to include protection and recognition of historic resources across all levels of government and on public, tribal, and private land alike. In 1935, the Historic Sites Act initiated the national survey and documentation of historic resources, implemented through the National Park Service. The National Historic Preservation Act of 1966 revolutionized the preservation landscape by establishing a federal/state partnership program for historic preservation projects and funding as well as creating the National Register of Historic Places and a system for review of federal effects on historic sites (commonly known as Section 106). This Act tasked the National Park

Introduction

Service with coordination between the Federal and State governments on historic preservation issues by forming a program of direct grants and technical assistance from the National Park Service to State Historic Preservation Offices. Amendments made in 1980 and 1992 expanded the program to create a community-based preservation partnership with the Certified Local Government initiative, and to honor Native American Tribes and their heritage with the creation of Tribal Historic Preservation Offices to mirror the State programs. The Act also created the Advisory Council on Historic Preservation, which develops procedures that facilitate Federal agency compliance work. Today, partnerships between the National Park Service, State Historic Preservation Offices, Certified Local Governments, Tribal Historic Preservation Offices, nonprofit preservation organizations, and individual property owners make up the national Historic Preservation Partnership Program.

Outside of the National Park Service, a variety of programs and laws protect historic resources in many ways. Other Federal agencies engage in preservation through ownership of historic buildings, or through their own initiatives. Even the Internal Revenue Code includes provisions to encourage historic preservation through tax incentives for work on historic structures. Additional laws found in the book create programs to address specific issues ranging from survey and preservation of abandoned shipwrecks, to protection and repatriation of Native American cultural items, to treatment of battlefields on American soil. Furthermore, these Federal programs operate within a broader universe preservation law at the State, Tribal, and local level. Many States have historic preservation tax incentives in addition to the federal program, and local historic designation operates under a distinct process with different protections from the National Register. While this book focuses on the Federal perspective, government preservation programs at all levels complement one another and provide a broad range of benefits and incentives to ensure that the beauty and knowledge of America's historic resources can be enjoyed by generations to come.

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Introduction

The State, Tribal, Local, Plans and Grants division, part of Cultural Resources, Partnerships and Science within the National Park Service, prepared this publication. John Renaud and Jessica Goodman arranged and edited the text. Matthew Payne designed the publication.

This publication includes text consistent with current law as of December 31, 2017. While the online version of this text will be updated periodically to reflect changes in the law, revisions may not be available immediately. To access the most up-to-date version of any law, regulation, or executive order printed in this book, see the official text in the United States Code, the Code of Federal Regulations, or the Federal Register. All three are available online at uscode.house.gov, www.ecfr.gov, and www.federalregister.gov , respectively.

For questions regarding the implementation or interpretation of the statutes in this publication, contact the National Park Service, 1849 C Street NW, Washington DC 20240-0001, or the relevant Federal agency. Electronic copies of this publication, along with additional resources regarding Federal historic preservation law, can be found at go.nps.gov/preservationlaws.

Editors' Note: Title 54

Many, though not all, of the laws contained in this book are found in Title 54 of the United States Code. Congress enacted Title 54 in 2014 in order to simplify citations and provide room for expansion in the body of law surrounding the National Park Service and the programs that it administers, including historic preservation programs. To do this, Congress gathered all the relevant laws which were spread throughout the Code (mostly in Title 16), repealed them, and reenacted them in their new Title 54 home. This process did not change the substance or meaning of any of the laws involved, but it did reorganize them and make several standard changes in language for consistency throughout the title. Overall, the changes made in Title 54 make the law more cohesive and practical, but the unusual nature of the process has affected this publication in several ways.Tips for using this document:

1. Due to the long history of historic preservation law, guidance documents and historic preservationists often refer to important components of these laws by their original section numbers instead of the new numbers given to them in Title 54. To accommodate this fact, each law in this book follows the organization and structure of the original act while using the updated language from Title 54.

2. Like the rest of the book, laws from Title 54 are arranged with two columns: the text of the law in the right column with corresponding citations to the Code on the left. The reorganization of Title 54 included moving sections together that were related, and occasionally splitting sections into multiple parts where they were not. Title 54 is also organized using only odd numbered chapters to create room for additions and expansions of related law in the future. This means that the left hand citations in this book are frequently out of numerical order so that the text on the right hand side can read as originally organized.

3. Occasionally, Congress combined two or more sections of the original act to create a single section in Title 54. In these cases, the citation on the left will be marked with an *asterisk to indicate that it will appear multiple times and also that the text it corresponds with is not the complete section of the Code.

4. The definitions sections of each Act are especially important because of the language changes made to Title

54. While some might be self-explanatory, many are terms which Congress truncated for consistency and are not as intuitive. For example, Congress replaced the phrase "historic and prehistoric resources" with the term "historic property" because the definition of "historic property" includes places of historic and prehistoric significance, and artifacts as well as buildings and land.

5. In general, the text in this book refers to each law as the "Act" rather than to the "subchapter" or the "title" of the Code, and in the case of cross-references, it provides both the section number as updated in Title 54 as well as the original. These editorial changes, as well as any additional notes or clarifications, are indicated by [brackets] in the text.

6. All citations in this book are current, but a conversion table between old Title 16 citations and updated locations in Title 54 is available in the United States Code immediately after the Table of Contents for Title 54.

With these points in mind, this publication and its organization should help bridge the gap between previous versions of historic preservation laws and Title 54 for preservationists, academics, lawyers and historians alike. For more information about Title 54, or to find the full text of the law in the United States Code, visit the Preservation Law homepage of the National Park Service website at go.nps.gov/preservationlaws

Pictured: Interior view of the historic barn at Ritter Ranch in Montezuma County, Colorado. Built in 1918, this structure showcases the role of agriculture in American history and illustrates one of a variety of styles of architecture found in historic buildings. Photograph by Jet Lowe courtesy of the Historic American Buildings Survey.

Antiquities Act

This Act became law on June 8, 1906 (34 Stat. 225, 18 U.S.C. 1866(b), 54 U.S.C. 3203 et. seq.) and has been amended once. In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

18 U.S.C. 1866(b)
Penalties for damage, destruction, etc. of antiquities

Section 1

[Moved to section on criminal statutes instead of title 54]

(b) Appropriation of, Injury to, or Destruction of Historic or Prehistoric Ruin or Monument or Object of Antiquity— A person that appropriates, excavates, injures, or destroys any historic or prehistoric ruin or monument or any object of antiquity that is situated on land owned or controlled by the Federal Government, without the permission of the head of the Federal agency having jurisdiction over the land on which the object is situated, shall be imprisoned for not more than 90 days, fined under this title, or both.

54 U.S.C. 320301
Proclamation of national monuments, reservation of lands, etc.

Section 2

(a) Presidential Declaration— The President may, in the President's discretion, declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments.

(b) Reservation of Land—The President may reserve parcels of land as a part of the national monuments. The limits of the parcels shall be confined to the smallest area compatible with proper care and management of the objects to be protected.

(c) Relinquishment to Federal Government— When an object is situated upon a parcel covered by a bona fide unperfected claim or held in private ownership, the parcel, or so much parcel as may be necessary for the proper care and management of the object, may be relinquished to the Federal Government and the Secretary is hereby authorized to accept the relinquishment of the parcel on behalf of the Federal Government.

(d) Limitation on Extension or Establishment of National Monuments In Wyoming— No extension or establishment

of national monuments in Wyoming may be undertaken except by express authorization of Congress.

Section 3

(a) Authority to Grant Permit— The Secretary, the Secretary of Agriculture, or the Secretary of the Army may grant a permit for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions to an institution that the Secretary concerned considers properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulation as the Secretary concerned may prescribe.

(b) Purpose of Examination, Excavation, or Gathering— A permit may be granted only if—

(1) the examination, excavation, or gathering is undertaken for the benefit of a reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects; and

(2) the gatherings shall be made for permanent preservation in a public museum.

54 U.S.C. 320303
Rules and regulations

Section 4

The Secretary [of the Interior], the Secretary of Agriculture, and the Secretary of the Army shall make and publish uniform rules and regulations for the purpose of carrying out this chapter.

National Park Service Organic Act

SELECTIONS: NPS MISSION AND REPORTS ON THREATENED LANDMARKS

The National Park Service Organic Act is the short title for a much longer law that established the National Park Service and continues to address park related matters. This Act became law on August 25, 1916 (39 Stat. 535, 54 U.S.C. 1003 et. seq.) and Section 8 of the Act became law on October 7, 1976 (Public Law 91-458, 54 U.S.C. 100507). In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

54 U.S.C. 100301
Service created

Section 1

There is in the Department of the Interior a service called the National Park Service.

54 U.S.C. 100302
Director, other employees

(a) Director—

(1) Appointment— The Service shall be under the charge of a director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Qualifications— The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation.

(b) Deputy Directors— The Director shall select 2 Deputy Directors. One Deputy Director shall have responsibility for [National Park] Service operations, and the other Deputy Director shall have responsibility for other programs assigned to the [National Park] Service.

(c) Other Employees— The [National Park] Service shall have such subordinate officers and employees as may be appropriated for by Congress.

54 U.S.C. 100101(a)
Promotion and regulation of National Park System for enjoyment of future generations

The Secretary [of the Interior], acting through the Director of the National Park Service, shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the [National Park] System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the [National Park] System units and to provide for the enjoyment of scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

National Park Service Organic Act

*54 U.S.C. 100507
Studies on and inclusion of threatened landmarks in the National Park System

Section 8

*54 U.S.C. 100507(a)
Monitoring Areas For Inclusion

(a) Monitoring Areas for Inclusion in System— The Secretary [of the Interior] shall investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the [National Park] System.

54 U.S.C. 100507(b)(3)
General authority to investigate, study, and monitor areas of national significance

Accompanying Synopsis— Accompanying the annual listing of areas shall be a synopsis, for each report previously submitted, of the current and changed condition of the resource integrity of the area and other relevant factors, compiled as a result of continual periodic monitoring and embracing the period since the previous such submission or initial report submission one year earlier.

*54 U.S.C. 100507(e)
Report on threatened landmarks

List of Areas That Exhibit Danger or Threats to the Integrity of Their Resources— At the beginning of each fiscal year, the Secretary shall submit to the Speaker of the House of Representatives and the President of the Senate a complete and current list of all areas listed on the Registry of Natural Landmarks, and areas of national significance listed on the National Register of Historic Places that exhibit known or anticipated damage or threats to the integrity of their resources, with notations as to the nature and severity of the damage or threats.

[rest of subsection, 54 U.S.C. 100507(f), omitted]

*54 U.S.C. 100507(b)(1)
Recommendation of areas for potential addition

(b) Submission of List of Areas Recommended for Study for Potential Inclusion—

(1) When list is to be submitted— At the beginning of each calendar year, with the annual budget submission, the Secretary [of the Interior] shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas recommended for study for potential inclusion in the [National Park] System.

*54 U.S.C. 100507(b)(2)
Factors to be considered

(2) Factors to be considered— In developing the list to be submitted under this subsection, the Secretary shall consider—

(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

(B) themes, sites, and resources not already adequately represented in the [National Park] System; and

(C) public petitions and Congressional resolutions

*54 U.S.C. 100507(b)(4)
Congressional Authorization

(3) CONGRESSIONAL AUTHORIZATION REQUIRED— No study of the potential of an area for inclusion in the National Park System may be initiated except as provided by specific authorization of an Act of Congress.

*54 U.S.C. 100507(b)(5)
Authority not limited

(4) AUTHORITY TO CONDUCT CERTAIN ACTIVITIES NOT LIMITED— This section and sections 100901(b), 101702(b) and (c), and 102012 [of title 54] do not limit the authority of the [National Park] Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000.

54 U.S.C. 100507(b)(6)
Study of rivers or trails not affected

(5) STUDY OF RIVERS OR TRAILS NOT AFFECTED— This section does not apply to or affect or alter the study of—

(A) any river segment for potential addition to the national wild and scenic rivers system; or

(B) any trail for potential addition to the national trails system.

54 U.S.C. 100507(c)
Report on areas for potential addition

(c) STUDY OF AREAS FOR POTENTIAL INCLUSION—

(1) STUDY TO BE COMPLETED WITHIN 3 YEARS— The Secretary shall complete the study for each area for potential inclusion in the [National Park] System within 3 complete fiscal years following the date on which funds are first made available for that purpose.

OPPORTUNITY FOR PUBLIC INVOLVEMENT REQUIRED— Each study under this section shall be prepared with appropri-

ate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, after reasonable efforts to notify potentially affected landowners and State and local governments.

(2) Considerations— In conducting the study, the Secretary shall consider whether the area under study—

(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

(B) is a suitable and feasible addition to the system.

(3) Scope of Study— Each study—

(A) with regard to the area being studied, shall consider—

(i) the rarity and integrity of the resources;

(ii) the threats to those resources;

(iii) whether similar resources are already protected in the [National Park] System or in other public or private ownership;

(iv) the public use potential;

(v) the interpretive and educational potential;

(vi) costs associated with acquisition, development and operation;

(vii) the socioeconomic impacts of any designation;

(viii) the level of local and general public support; and

(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

(B) shall consider whether direct [National Park] Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director be most effective and efficient in protecting significant resources and providing for public enjoyment; and

(D) may include any other information which the Secretary [of the Interior] deems to be relevant.

(4) Compliance with national environmental policy act of 1969— Each study shall be completed in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). [Relevant text included later in this book].

(5) Recommendation of preferred management option— The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

*54 U.S.C. 100507(g)
New area study office

(d) Designation of Office— The Secretary [of the Interior] shall designate a single office to prepare all new area studies and to implement other functions under this section.

*54 U.S.C. 100507(d)
List of areas

(e) List of Areas Previously Studied—

(1) Submission of list— At the beginning of each calendar year, with the annual budget submission, the Secretary [of the Interior] shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate, in numerical order of priority for addition to the [National Park] System,

(A) a list of areas that have been previously studied that contain primarily historical resources; and

(B) a list of areas that have been previously studied that contain primarily natural resources.

(2) Considerations— In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c).

(3) AREAS ELIGIBLE FOR INCLUSION— The Secretary should include on the lists only areas for which the supporting data are current and accurate.

[subsection (f), 54 U.S.C. 100507(h), authorization of appropriations, omitted]

Historic Sites Act

This Act became law on August 21, 1935 (49 Stat. 666; 54 U.S.C. 3201 et. seq., 1023 et. seq.) and has been amended eight times. In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

54 U.S.C. 320101
Declaration of national policy

Section 1

It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

54 U.S.C. 302102
Powers and Duties of the Secretary

Section 2

In General—The Secretary [of the Interior], acting through the Director, for the purpose of effectuating the policy expressed in section 302101 [of title 54] [section 1 of this Act], has the powers and shall perform the duties set out in this section.

(a) Preservation of Data— The Secretary [of the Interior] shall secure, collate, and preserve drawings, plans, photographs, and other data of historic and archaeologic sites, buildings, and objects.

(b) Survey— The Secretary shall make a survey of historic and archaeologic sites, buildings, and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States.

(c) Investigations and Researches— The Secretary shall make necessary investigations and researches in the United States relating to particular sites, buildings, or objects to obtain true and accurate historical and archaeological facts and information concerning the sites, buildings, or objects.

(d) Acquisition of Property— The Secretary may, for the purpose of this [Act], acquire in the name of the United States by gift, purchase, or otherwise any property, personal or real, or any interest or estate in property, title to any real property to be satisfactory to the Secretary. Property that is owned by any religious or educational institution, or that is owned or administered for the benefit of the public shall not be acquired without the consent of the owner. No

property shall be acquired or contract or agreement for the acquisition of the property made that will obligate the general fund of the Treasury for the payment of such property, unless Congress has appropriated money that is available for that purpose.

(e) Contracts and Cooperative Agreements— The Secretary may contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, with proper bond where considered advisable, to protect, preserve, maintain, or operate any historic or archaeologic building, site, object, or property used in connection therewith for public use, regardless whether the title to the building, site, object, or property is in the United States: No contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money that is available for that purpose.

(f) Protection of Sites, Buildings, Objects and Property— The Secretary [of the Interior] shall restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and property of national historical or archaeological significance and where considered desirable establish and maintain museums in connection with the sites, buildings, objects, and property.

(g) Tablets to Mark or Commemorate Places and Events— The Secretary [of the Interior] shall erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historical or archaeological significance.

(h) Operation for Benefit of Public— The Secretary [of the Interior] may operate and manage historic and archaeologic sites, buildings, and property acquired under this chapter [sections 1 to 7 of this Act] together with land and subordinate buildings for the benefit of the public and may charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable either to accommodate the public or to facilitate administration. The Secretary may

grant those concessions, leases, or permits and enter into contracts relating to those contracts [sic, should be concessions], leases, or permits with responsible persons, firms, or corporations without advertising and without securing competitive bids.

(i) Corporation to Carry Out Duties— When the Secretary [of the Interior] determines that it would be administratively burdensome to restore, reconstruct, operate, or maintain any particular historic or archaeologic site, building, or property donated to the United States through the [National Park] Service, the Secretary may cause the restoration, reconstruction, operation, or maintenance to be done by organizing a corporation for that purpose under the laws of the District of Columbia or any State.

(j) Educational Program and Service— The Secretary [of the Interior] shall develop an educational program and service for the purpose of making available to the public information pertaining to American historic and archaeologic sites, buildings, and properties of national significance. Reasonable charges may be made for the dissemination of any such information.

(k) Actions and Regulations Necessary to Carry Out Chapter—The Secretary [of the Interior] shall perform any and all acts and make regulations not inconsistent with this chapter [sections 1 to 7 of this Act] that may be necessary and proper to carry out this chapter.

Section 3

54 U.S.C. 102303
National Park System Advisory Board

54 U.S.C. 102303(a)
Definition of Board

(a) Definition— In this section, the term "Board" means the National Park System Advisory Board established under subsection (b).

54 U.S.C. 102303(b)
Establishment and Purpose

(b) Establishment and Purpose— There is established a National Park System Advisory Board, whose purpose is to advise the Director on matters relating to the [National Park] Service, the [National Park] System, and programs administered by the [National Park] Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board.

54 U.S.C. 102303(c)
Membership

(c) Membership—

(1) Appointment and Term of Office— Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary.

(2) Composition— The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the [National Park] Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the [National Park] Service. At least 6 of the members shall have outstanding expertise in one or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine sciences, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or natural or cultural resources management. The remaining members shall have outstanding expertise in one or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management, important to the mission of the [National Park] Service. At least one individual shall be a locally elected official from an area adjacent to a park.

(3) First Meeting—The Board shall hold its 1st meeting by no later than 60 days after the date on which all members of the Board who are to be appointed have been appointed.

(4) Vacancy— Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) Compensation— All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business,

in accordance with subchapter 1 of chapter 57 of Title 5 [5 U.S.C. 5701-5709, travel and subsistence expenses]. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation.

*54 U.S.C. 102303(d)
Duties and Powers of the Board

(d) Duties and Powers of Board—

(1) Adopt Rules— The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(2) Advice and recommendations— to the Board shall advise the Secretary on matters relating to the [National Park] System, to other related areas, and to the administration of chapter 3201 [of Title 54] [sections 1 to 7 of this Act], including matters submitted to it for consideration by the Secretary, but it shall not be required to provide recommendations as to the suitability or desirability of surplus real and related personal property for use as a historic monument. Such board shall also provide recommendations on the designation of national historic landmarks and national natural landmarks. The board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making the recommendations.

54 U.S.C. 102303(e)
Staff

(e) Staff—The Secretary may hire 2 full-time staffers to meet the needs of the Board.

54 U.S.C. 102303(f)
Applicability of Federal Law

(f) Federal Law Not Applicable to Service— Service as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member or an employee of the Board shall not be considered service in an appointive or elective position in the Government for purposes of Section

8344 of Title 5 [5 U.S.C. 8344, civil service retirement, annuities and pay on reemployment], or comparable provisions of Federal law.

*54 U.S.C. 102303(d)(3)
Authority of Board

(d)(3) Upon request of the Director, the Board is authorized to—

(A) hold such hearings and sit and act at such times,

(B) take such testimony,

(C) have such printing and binding done,

(D) enter into such contracts and other arrangements,

(E) make such expenditures, and

(F) take such other actions as the Board may deem advisable.

(d)(4) Oaths or Affirmations— Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(d)(5) Committees and Subcommittees— The Board may establish committee or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

54 U.S.C. 102303(h)
Applicability of the Federal Advisory Committee Act

(h) Federal Advisory Committee Act— The Federal Advisory Committee Act (5 U.S.C. App.), with the exception of section 14(b), applies to the Board.

54 U.S.C. 102303(g)
Cooperation of Federal agencies

(g) Cooperation of Federal Agencies

(1) Information— The Board may secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each office, department, agency, establishment, or instrumentality shall furnish, to the extent permitted by law, the information, suggestions, estimates, and statistics directly to the Board, on request made by a member of the Board.

(2) Facilities and services— On request of the Board, the head of any Federal department, agency, or instrumentality may make any of the facilities and services of such department, agency, or instrumentality available to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

*54 U.S.C. 102303(d)(6)
Use of Mails

(d)(6) Use of Mails— The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.

54 U.S.C. 102303(i)
Sunset

(i) The Board continues to exist until January 1, 2010.

54 U.S.C. 102304
National Park Service Advisory Council

[Added 2014]

(a) Definitions

(1) Board— The term "Board" means the National Park System Advisory Board established under section 102303 [of title 54] [section 3 of this Act].

(2) Council— The term "Council" means the National Park Service Advisory Council established under subsection (b) [below].

(b) Establishment and Purpose—There is established the National Park Service Advisory Council that shall provide advice and counsel to the Board.

(c) Membership—

(1) Eligibility— Membership on the Council shall be limited to those individuals whose term on the Board has expired. Those individuals may serve as long as they remain active except that not more than 12 members may serve on the Council at any one time.

(2) Compensation— Members of the Council shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members

(d) Voting Restriction— Members of the Council shall not have a vote on the National Park System Advisory Board.

54 U.S.C. 320103
Cooperation with governmental and private agencies

Section 4

(a) Authority of Secretary— The Secretary may cooperate with and may seek and accept the assistance of any Federal, State, or local agency, educational or scientific institution, patriotic association, or individual.

(b) Technical Advisory Committees— When the Secretary considers it necessary, the Secretary may establish technical advisory committees to act in an advisory capacity in connection with the restoration or reconstruction of any historic or prehistoric building or structure.

(c) Employment of Assistance— The Secretary may employ professional and technical assistance, and establish service as may be required to accomplish the purposes of this chapter [sections 1 to 7 of this Act] and for which money may be appropriated by Congress or made available by gifts for those purposes.

54 U.S.C. 320104
Jurisdiction of States and political subdivisions in acquired lands

Section 5

Nothing in this chapter [sections 1 to 7 of this Act] shall be held to deprive any State, or political subdivision thereof, of its civil and criminal jurisdiction in and over lands acquired by the United States under said sections.

54 U.S.C. 320106
Requirement for specific authorization

Section 6

Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary [of the Interior] to carry out subsection (f) or (g) of section 320102 [of title 54] [section 2(e) or 2(f) of this Act] may be obligated or expended—

(1) unless the appropriation of such funds has been specifically authorized by law enacted on or after October 30, 1992; or

(2) in excess of the amount prescribed by law enacted on or after October 30, 1992.

Section 7

[Repealed as obsolete]

Federal Property and Administrative Services Act

This Act became law on June 30, 1949 (63 Stat. 385, 40 U.S.C. 484(k)(3) and (4)) and has been amended seven times. Additionally, Public Law 107-217 (August 21, 2002) repealed, re-enacted "without substantive change," and re-codified these portions of the Act from 40 U.S.C. 484 to 40 U.S.C. 550. This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the law as the "Act" rather than to the "subchapter" or the "title" of the Code.

40 U.S.C. 550,
Disposal of surplus real property

Section 550

(a) DEFINITION— In this section, the term "State" includes the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION—

(1) IN GENERAL— Subject to disapproval by the Administrator of General Services within 30 days after notice of a proposed action to be taken under this section, except for personal property transferred pursuant to section 549 of this Act, the official specified in paragraph (2) shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer under this section is made. The official shall reform, correct, or conform the transfer to the requirements of law. The official shall grant a release from any term, condition, reservation, or restriction contained in the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest reserved to the Federal Government by the instrument, if the official determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the official considers necessary to protect or advance the interests of the Government.

(2) SPECIFIED OFFICIAL— The official referred to in paragraph (1) is

(A) the Secretary of Education, for property transferred under subsection (c) for school, classroom, or other educational use;

(B) the Secretary of Health and Human Services, for property transferred under subsection (d) for use in the protection of public health, including research;

(C) the Secretary of the Interior, for property transferred under subsection (e) for public park or recreation area use;

(D) the Secretary of Housing and Urban Development, for property transferred under subsection (f) to provide housing or housing assistance for low-income individuals or families; and

(E) the Secretary of the Interior, for property transferred under subsection (h) for use as a historic monument for the benefit of the public.

[subsections 550(c) and (d) omitted]

(e) Property for Use as a Public Park or Recreation Area—

(1) Assignment— The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of the Interior for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use as a public park or recreation area.

(2) Sale or lease— Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of the Interior of a proposed transfer, the Secretary, for public park or recreation area use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a municipality.

(3) Fixing Value— In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or municipality.

(4) Deed of conveyance— The deed of conveyance of any surplus real property disposed of under this subsection

(A) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to

(B) the Government; and

(C) may contain additional terms, reservations, restrictions, and conditions the Secretary of the Interior determines are necessary to safeguard the interests of the Government.

(f) Property for Low Income Housing Assistance—

(1) Assignment— The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Housing and Urban Development for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed to provide housing or housing assistance for low-income individuals or families.

(2) Sale or lease— Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Housing and Urban Development of a proposed transfer, the Secretary, to provide housing or housing assistance for low-income individuals or families, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a nonprofit organization that exists for the primary purpose of providing housing or housing assistance for low-income individuals or families.

(3) Self-help housing—

(A) In general— The Administrator shall disapprove a proposed transfer of property under this subsection

unless the Administrator determines that the property will be used for low-income housing opportunities through the construction, rehabilitation, or refurbishment of self-help housing, under terms requiring that

(i) subject to subparagraph (B), an individual or family receiving housing or housing assistance through use of the property shall contribute a significant amount of labor toward the construction, rehabilitation, or refurbishment; and

(ii) dwellings constructed, rehabilitated, or refurbished through use of the property shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below prevailing market prices.

(B) Guidelines for considering disabilities. For purposes of fulfilling self-help requirements under paragraph (3)(A)(i), the Administrator shall ensure that nonprofit organizations receiving property under paragraph (2) develop and use guidelines to consider any disability (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

(4) Fixing value—

(A) In general— In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Housing and Urban Development shall take into consideration and discount the value for any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or nonprofit organization.

(B) Amount of discount— The amount of the discount under subparagraph (A) is 75 percent of the market value of the property, except that the Secretary of Housing and Urban Development may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified.

[subsection 550(g) omitted]

(h) Property For Use as a Historic Monument—

(1) Conveyance.

(A) In general— Without monetary consideration to the Government, the Administrator may convey to a State, a political subdivision or instrumentality of a State, or a municipality, the right, title, and interest of the Government in and to any surplus real and related personal property that the Secretary of the Interior determines is suitable and desirable for use as a historic monument for the benefit of the public.

(B) Recommendation By National Park System Advisory Board— Property may be determined to be suitable and desirable for use as a historic monument only in conformity with a recommendation by the National Park System Advisory Board established under section 3 of the Act of August 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings, and Antiquities Act). Only the portion of the property that is necessary for the preservation and proper observation of the property's historic features may be determined to be suitable and desirable for use as a historic monument.

(2) Revenue-producing activity—

(A) In general— The Administrator may authorize use of any property conveyed under this subsection for revenue producing activities if the Secretary of the Interior

(i) determines that the activities are compatible with use of the property for historic monument purposes;

(ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property;

(iii) approves the grantee's plan for financing the repair, rehabilitation, restoration, and maintenance of the property; and

(iv) examines and approves the accounting and financial procedures used by the grantee.

(B) USE OF EXCESS INCOME— The Secretary of the Interior may approve a grantee's financial plan only if the plan provides that the grantee shall use income exceeding the cost of repair, rehabilitation, restoration, and maintenance only for public historic preservation, park, or recreational purposes.

(C) AUDITS— The Secretary of the Interior may periodically audit the records of the grantee that are directly related to the property conveyed.

(3) DEED OF CONVEYANCE— The deed of conveyance of any surplus real property disposed of under this subsection

(A) shall provide that all of the property be used and maintained for historical monument purposes in perpetuity, and that if the property ceases to be used or maintained for historical monument purposes, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(B) may contain additional terms, reservations, restrictions, and conditions the Administrator determines are necessary to safeguard the interests of the Government.

National Trust for Historic Preservation

CREATION AND PURPOSE

This Act became law on October 26, 1949 (63 Stat. 927, 54 U.S.C. 3121 et. seq.) and has been amended twice In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

54 U.S.C. 312101
Definitions

[Added 2014] Definitions

In this chapter:

(1) BOARD— The term "Board" means the board of trustees of the National Trust.

(2) NATIONAL TRUST— The term "National Trust" means the National Trust for Historic Preservation in the United States established under section 312102 [of title 54] [Section 1 of this Act].

54 U.S.C. 312102
National Trust for Historic Preservation in the United States creation, purpose

Section 1

(a) ESTABLISHMENT— To further the policy enunciated in chapter 3201 of [title 54] [sections 1 to 7 of the Historic Sites Act], and to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest, there is created a charitable, educational, and nonprofit corporation, to be known as the National Trust for Historic Preservation in the United States.

(b) PURPOSES— The purposes of the National Trust shall be to

(1) receive donations of sites, buildings, and objects significant in American history and culture;

(2) preserve and administer the sites, buildings, and objects for public benefit;

(3) accept, hold, and administer gifts of money, securities, or other property of any character for the purpose of carrying out the preservation program; and

(4) execute such other functions vested in the National Trust by this chapter [sections 1 to 5 of this Act.]

54 U.S.C. 312103
Principle office of National Trust

Section 2

The National Trust shall have its principal office in the District of Columbia and shall be deemed, for purposes

of venue in civil actions, to be a resident of the District of Columbia. The National Trust may establish offices in other places as it may consider necessary or appropriate in the conduct of its business.

54 U.S.C. 312104
Board of Trustees

Section 3

(a) MEMBERSHIP— The affairs of the National Trust shall be under the general direction of a board of trustees composed as follows:

(1) The Attorney General, the Secretary [of the Interior], and the Director of the National Gallery of Art, ex officio.

(2) Not fewer than 6 general trustees who shall be citizens of the United States.

(b) DESIGNATION OF ANOTHER OFFICER— The Attorney General and the Secretary [of the Interior], when it appears desirable in the interest of the conduct of the business of the Board and to such extent as they consider it advisable, may, by written notice to the National Trust, designate any officer of their respective departments to act for them in the discharge of their duties as a member of the Board.

(c) GENERAL TRUSTEES—

(1) NUMBER AND SELECTION— The number of general trustees shall be fixed by the Board and shall be chosen by the members of the National Trust from its members at any regular meeting of said National Trust.

(2) TERM OF OFFICE— The respective terms of office of the general trustees shall be as prescribed by the Board but in no case shall exceed a period of 5 years from the date of election.

(3) SUCCESSOR— A successor to a general trustee shall be chosen in the same manner and shall have a term expiring 5 years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of that term.

(d) Chairman— The chairman of the Board shall be elected by a majority vote of the members of the board.

(e) Compensation and Reimbursement— No compensation shall be paid to the members of the Board for their services as such members, but they shall be reimbursed for travel and actual expenses necessarily incurred by them in attending board meetings and performing other official duties on behalf of the National Trust at the direction of the Board.

54 U.S.C. 312105
Powers and duties of National Trust

Section 4

(a) In General— To the extent necessary to enable it to carry out the functions vested in it by this chapter [sections 1 to 5 of this Act], the National Trust has the general powers described in this section.

(b) Succession— The National Trust has succession until dissolved by Act of Congress, in which event title to the property of the National Trust, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the National Trust, pass to and become vested in the United States.

(c) Sue and Be Sued— The National Trust may sue and be sued in its corporate name.

(d) Corporate Seal— The National Trust may adopt, alter, and use a corporate seal that shall be judicially noticed.

(e) Constitution, Bylaws, and Regulations—The National Trust may adopt a constitution and prescribe such bylaws, rules, and regulations, not inconsistent with the laws of the United States or of any State, as it deems necessary for the administration of its functions under this chapter [sections 1 to 5 of this Act], including among other matter, bylaws, and regulations governing visitation to historic properties, administration of corporate funds, and the organization and procedure of the Board.

(f) Personal Property— The National Trust may accept, hold, and administer gifts and bequests of money, securities, or other personal property of any character, absolutely

or on trust, for the purposes for which the National Trust is created. Unless otherwise restricted by the terms of the gift or bequest, the National Trust may sell, exchange, or otherwise dispose of and invest or reinvest in investments as it may determine from time to time, the moneys, securities, or other property given or bequeathed to it. The principal of corporate funds and the income from those funds and all other revenues received by the National Trust from any source shall be placed in such depositories as the National Trust shall determine and shall be subject to expenditure by the National Trust for its corporate purposes.

(g) Real Property— The National Trust may acquire by gift, devise, purchase, or otherwise, absolutely or in trust, and hold and, unless otherwise restricted by the terms of the gift or devise, encumber, convey, or otherwise dispose of, any real property, or any estate or interest therein (except property within the exterior boundaries of a System unit [national parks and national monuments]), as may be necessary and proper in carrying into effect the purposes of the National Trust.

(h) Contracts and Cooperative Agreements Respecting Protection, Preservation, Maintenance, or Operation— The National Trust may contract and make cooperative agreements with Federal, State, or local agencies, corporations, associations, or individuals, under such terms and conditions as the National Trust considers advisable, respecting the protection, preservation, maintenance, or operation of any historic site, building, object, or property used in connection with the site, building, object, or property for public use, regardless of whether the National Trust has acquired title to such properties, or any interest in the property.

(i) Enter Into Contracts and Execute Agreements— The National Trust may enter into contracts generally and execute all instruments necessary or appropriate to carry out its corporate purposes, including concession contracts, leases, or permits for the use of lands, buildings, or other property deemed desirable either to accommodate the public or to facilitate administration.

(j) Officers, Agents, and Employees— The National Trust may appoint and prescribe the duties of such officers, agents, and employees as may be necessary to carry out its functions, and to fix and pay such compensation to them for their services as the National Trust may determine.

(k) Lawful Acts— The National Trust may generally to do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Trust is created.

54 U.S.C. 312106
Consultation with the National Park System Advisory Board

Section 5

In carrying out its functions under this chapter [sections 1 to 5 of this Act], the National Trust may consult with the National Park System Advisory Board on matters relating to the selection of sites, buildings, and objects to be preserved and protected pursuant to this chapter.

16 U.S.C. 468e
Repealed

Section 6

[Section repealed]

Archeological and Historic Preservation Act

This Act became law on June 27, 1960 (Public Law 86-523, 54 U.S.C. 3125 et. seq.). The Act was originally known as the "Reservoir Salvage Act" when the initial legislation was enacted in 1960. With broadening amendments, the Act became known as the "Moss-Bennett Act" (after an early amendment) or the "Archeological Recovery Act." In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

16 U.S.C. 469
Purpose

Section 1

[Not Repealed but Omitted from title 54]

It is the purpose of this Act to further the policy set forth in the Act entitled, "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 [Historic Sites Act, 54 3201 et seq., 102303, 102304] by specifically providing for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.

54 U.S.C. 312505
Notice of dam construction to be given Secretary of the Interior

Section 2

(a) In General— Before any Federal agency undertakes the construction of a dam, or issues a license to any private individual or corporation for the construction of a dam, it shall give written notice to the [Secretary of the Interior] setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken.

(b) Dams with Certain Detention Capacity or Reservoir— With respect to any flood water retarding dam that provides fewer than 5,000 acre-feet of detention capacity, and with respect to any other type of dam which creates a reservoir of fewer than 40 surface acres, this section shall apply only when the constructing agency, in its preliminary surveys,

finds, or is presented with evidence that historical or archeological materials exist or may be present in the proposed reservoir area.

54 U.S.C. 312502
Threat of loss or destruction of significant data by Federal construction projects

Section 3

(a) Activity of Federal Agency—

(1) Notification of Secretary— When any Federal agency finds, or is notified, in writing, by an appropriate historical or archeological authority, that its activities in connection with any Federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, such agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity.

(2) Recovery, protection, and preservation of Data— The agency—

(A) may request the Secretary to undertake the recovery, protection, and preservation of such data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from such investigation); or

(B) may, with funds appropriated for the project, program, or activity, undertake those activities.

(3) Availability of reports— Copies of reports of any investigations made pursuant to this section shall be submitted to the Secretary, who shall make them available to the public for inspection and review.

(b) Activity of Private Person, Association, or Public Entity—

(1) Recovery by secretary— When any Federal agency provides financial assistance by loan, grant, or otherwise to any private person, association, or public entity, the Secretary, if the Secretary determines that significant scientific, prehistorical, historical, or archeological data

might be irrevocably lost or destroyed, may with funds appropriated expressly for this purpose—

(A) conduct, with the consent of all persons, associations, or public entities having a legal interest in the property, a survey of the affected site; and

(B) undertake the recovery, protection, and preservation of such data (including analysis and publication).

(2) Compensation— The Secretary shall, unless otherwise mutually agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or any nonfederally owned land.

54 U.S.C. 312503
Survey, data recovery, and compensation

Section 4

(a) In General— The Secretary, upon notification, in writing, by any Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data are being or may be irrevocably lost or destroyed by any Federal or federally assisted or licensed project, activity, or program, shall, if the Secretary determines that such data are significant and are being or may be irrevocably lost or destroyed and after reasonable notice to the agency responsible for funding or licensing the project, activity, or program—

(1) conduct or cause to be conducted a survey and other investigation of the areas that are or may be affected; and

(2) recover and preserve the data (including analysis and publication) that, in the opinion of the Secretary, are not being, but should be, recovered and preserved in the public interest.

(b) When Survey or Recovery Not Required— No survey or recovery work shall be required pursuant to this section that, in the determination of the head of the responsible agency, would impede Federal or federally assisted or licensed projects or activities undertaken in connection with any emergency, including projects or activities undertaken in anticipation of, or as a result of, a natural disaster.

(c) Initiation of Survey— The Secretary shall initiate the survey or recovery effort within

(1) 60 days after notification to him pursuant to subsection (a); or

(2) such time as may be agreed upon with the head of the agency responsible for funding or licensing the project, activity, or program in all other cases.

(d) Compensation by Secretary— The Secretary shall, unless otherwise agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or nonfederally owned land.

54 U.S.C. 312504
Progress reports, disposition of relics, and coordination

Section 5

(a) Progress Reports to Funding or Licensing Agency— The Secretary shall keep the agency responsible for funding or licensing the project notified at all times of the progress of any survey made under this chapter [sections 1 to 7 of this Act] or of any work undertaken as a result of the survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency. The survey and recovery programs shall terminate at a time agreed upon by the Secretary and the head of the agency unless extended by agreement.

(b) Disposition of Relics and Specimens— The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, private institutions, and qualified individuals, with a view to determining the ownership of, and the most appropriate repository for, any relics and specimens recovered as a result of any work performed as provided for in this section.

(c) Coordination of Activities— The Secretary shall coordinate all Federal survey and recovery activities authorized under this chapter [sections 1 to 7 of this Act].

54 U.S.C. 312506
Administration issues

Section 6

In the administration of this chapter [sections 1 to 8 of this Act] the Secretary may—

(1) enter into contracts or make cooperative agreements with any Federal or State agency, educational or scientific organization, or institution, corporation, association, or qualified individual;

(2) obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5 [of the United States Code]; and

(3) accept and utilize funds made available for salvage archeological purposes by any private person or corporation or transferred to the Secretary by any Federal agency.

54 U.S.C. 312507
Use of project funds and authorization of appropriation

Section 7

(a) To carry out the purposes of this chapter [sections 1 to 8 of this Act], any Federal agency responsible for a construction project may assist the Secretary and/or it may transfer to him such funds as may be agreed upon, but not more than 1 per centum of the total amount authorized to be appropriated for such project, except that the 1 per centum limitation of this section shall not apply in the event that the project involves $50,000 or less: Provided, That the costs of such survey, recovery, analysis, and publication shall be considered nonreimbursable project costs.

(b) Availability of Appropriations— Amounts appropriated for purposes of this section shall remain available until expended.

54 U.S.C. 312501
"State" defined

Section 8

In this chapter [sections 1 to 8 of this Act], the term "State" includes a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

Addendum

[Addendum to the Archeological and Historic Preservation Act of 1974, as amended, from section 208 of the National Historic Preservation Act Amendments of 1980 [Public Law 96- 515], as amended.]

54 U.S.C. 312508
Costs for identification, surveys, evaluation, and data recovery

Section 208

Notwithstanding section 312507(a) [of title 54] [section 7(a) of this Act] or any other provision of law—

(1) identification, surveys, and evaluation carried out with respect to historic property within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

(2) reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic property within project areas may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit; and

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate, may waive, in appropriate cases, the 1 per centum limitation contained in section 312507(a) [of title 54] [section 7 of this Act].

Pictured: A 1934 photograph of the Acoma Pueblo near Albuquerque, New Mexico. This site was designated a National Historic Landmark in 1960, listed in the National Register of Historic Places upon the Register's creation in 1966, and received a Save America's Treasures grant in 2010. Photograph by James Slack courtesy of the Historic American Buildings Survey.

National Historic Preservation Act

First passed in 1966, the National Historic Preservation Act revolutionized the world of historic preservation when it established systems and standards for coordinating historic preservation efforts between the federal government and state, local, and tribal governments. It remains the most expansive legislation about historic preservation in the United States. In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

54 U.S.C. 100101 (note)
Short title of the Act

Pub. L. 89 –665
Pub. L. 96 – 515
Purpose of the Act

Section 1

[Not repealed but omitted from the text of Title 54]

(a) This Act may be cited as the "National Historic Preservation Act."

(b) The Congress finds and declares that—

(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;

(2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(3) historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;

(5) in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;

(6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation

will improve the planning and execution of Federal and federally assisted projects and will assist economic growth

(7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

54 U.S.C. 300101
Policy

Section 2

It is the policy of the Federal Government, in cooperation with other nations and in partnership with States, local governments, Indian tribes, Native Hawaiian organizations, and private organizations and individuals to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the historic property of the United States and of the international community of nations and in the administration of the national preservation program;

(3) administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned historic property and give maximum encouragement to organizations and individuals undertaking preservation by private means;

(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

(6) assist State and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust to expand and accelerate their historic preservation programs and activities.

Title I, Historic Preservation Programs

Section 101

54 U.S.C. Chapter 3021—National Register of Historic Places
54 U.S.C. 302101
Maintenance by Secretary

(a)(1)(A) The Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture.

54 U.S.C. 302106
Retention of name

Notwithstanding section 43(c) of the Act of July 5, 1946 (known as the Trademark Act of 1946) (15 U.S.C. 1125(c)), buildings and structures on or eligible for inclusion on the National Register (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.

54 U.S.C. 302102
Inclusion of properties on the National Register

(B) In general – A property that meets the criteria for National Historic Landmarks established pursuant to section 302103 [of Title 54] [section 101(a)(2) of this Act] shall be designated as a National Historic Landmark and included on the National Register, subject to the requirements of section 302107 [of Title 54] [section 101(a)(7) of this Act].

Historic Property on National Register on December 12, 1980—All historic property included on the National Register on December 12, 1980 [the date of enactment of the National Historic Preservation Act Amendments of 1980], shall be deemed to be included on the National Register as of their initial listing for purposes of this [Act].

National Historic Landmarks Designation

HISTORIC PROPERTY LISTED IN FEDERAL REGISTER OF FEBRUARY 6, 1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HISTORIC LANDMARKS – All historic property listed in the Federal Register of February 6, 1979, or prior to December 12, 1980, as National Historic Landmarks are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing in the Federal Register for purposes of this [Act] and chapter 3201 of [title 54] [chapter on policy and administrative positions], except that in the case of a National Historic Landmark district for which no boundaries had been established as of December 12, 1980, boundaries shall first be published in the Federal Register.

54 U.S.C. 302103
Criteria and Regulations relating to National Register, National Historic Landmarks, and World Heritage list

(2) The Secretary, in consultation with national historical and archaeological associations, shall establish criteria for properties to be included on the National Register and criteria for National Historic Landmarks; and promulgate regulations for—

(A) nominating properties for inclusion on, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing that designation;

(C) considering appeals from recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic property for inclusion in the World Heritage List in accordance with the terms of the World Heritage Convention;

(E) making determinations of eligibility of properties for inclusion on the National Register; and

(F) notifying the owner of a property, any appropriate local governments, and the general public, when the

property is being considered for inclusion on the National Register, for designation as a National Historic Landmark or for nomination to the World Heritage List.

54 U.S.C. 302104
Nominations to the National Register

54 U.S.C. 302104(a)
Nominations from states

(3) Nomination by State— Subject to the requirements of section 302107 [of title 54] [section 101(a)(7) of this Act], any State that is carrying out a program approved under chapter 3023 [of title 54] [section 101(b) of this Act] shall nominate to the Secretary property that meets the criteria promulgated under section 302103 [of title 54] [section 101(a)(2) of this Act] for inclusion on the National Register. Subject to section 302107 [of title 54] [section 101(a)(7) of this Act], any property nominated under this subsection or under section 306102 [of title 54] [section 101(a)(2) of this Act] shall be included on the National Register on the date that is 45 days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves the nomination within the 45-day period or unless an appeal is filed under paragraph (5).

54 U.S.C. 302104(b)
Nominations from individuals and local governments

(4) Nomination by Person or Local Government— Subject to the requirements of section 302107 [of Title 54] [section 101(a)(2) of this Act], the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if the property is located in a State where there is no program approved under chapter 3023 [of Title 54] [section 101(b) of this Act]. The Secretary may include on the National Register any property for which such a nomination is made if he determines that such property is eligible in accordance with the regulations promulgated under Section 302103 [of Title 54] [section 101(a)(2) of this Act]. The determination shall be made within 90 days from the date of the nomination unless the nomination is appealed under paragraph (5).

54 U.S.C. 302104(c)
Nominations by a Federal Agency

[Added 2016] Nomination by a Federal Agency— Subject to the requirements of section 302107 [of title 54] [section 101(a)(7) of this Act], the regulations promulgated under section 302103 [of title 54] [section 101(a)(2) of this Act], and appeal under paragraph (5) of this section, the

Secretary may accept a nomination directly by a Federal agency for inclusion of property on the National Register only if—

(A) completed nominations are sent to the State Historic Preservation Officer for review and comment regarding the adequacy of the nomination, the significance of the property and its eligibility for the National Register;

(B) within 45 days of receiving the completed nomination, the State Historic Preservation Officer has made a recommendation regarding the nomination to the Federal Preservation Officer, except that failure to meet this deadline shall constitute a recommendation to not support the nomination;

(C) the chief elected officials of the county (or equivalent governmental unit) and municipal political jurisdiction in which the property is located are notified and given 45 days in which to comment;

(D) the Federal Preservation Officer forwards it to the Keeper of the National Register of Historic Places after determining that all procedural requirements have been met, including those in paragraphs (1) through (3) above; the nomination is adequately documented; the nomination is technically and professionally correct and sufficient; and may include an opinion as to whether the property meets the National Register criteria for evaluation;

(E) notice is provided in the Federal Register that the nominated property is being considered for listing on the National Register that includes any comments and the recommendation of the State Historic Preservation Officer and a declaration whether the State Historic Preservation Officer has responded within the 45-day period of review provided in paragraph (2); and

(F) the Secretary addresses in the Federal Register any comments from the State Historic Preservation Officer that do not support the nomination of the property on

the National Register before the property is included in the National Register

54 U.S.C. 302104(d)
Appeals of Nominations

(5) Appeal— Any person or local government may appeal to the Secretary a nomination of any property for inclusion on the National Register; and the failure of a nominating authority to nominate a property in accordance with this chapter.

54 U.S.C. 302105
Owner participation in nomination process

(6) Regulations— The Secretary shall promulgate regulations requiring that before any property may be included on the National Register or designated as a National Historic Landmark, the owner or owners of such property, or a majority of the owners of the individual properties within a district in the case of a historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property for inclusion or designation.

When the Property Shall Not Be Included on National Register or Designated as National Historic Landmark— If the owner of any privately owned property, or a majority of the owners of such properties within the district in the case of a historic district, object to inclusion or designation, the property shall not be included on the National Register or designated as a National Historic Landmark until the objection is withdrawn.

Review by Secretary— The Secretary shall review the nomination of the property when an objection has been made and shall determine whether or not the property is eligible for inclusion or designation. If the Secretary determines that the property is eligible for inclusion or designation, the Secretary shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official, and the owner or owners of the property of the Secretary's determination.

54 U.S.C. 302107
Regulations for curation, documentation, and local government certification

(7) The Secretary shall promulgate regulations—

(A) ensuring that significant prehistoric and historic artifacts, and associated records, subject to subchapter

1 of chapter 3061 [of title 54] [section 110 of this Act], chapter 3125 [of title 54] [Archaeological and Historic Preservation Act, found later in this text], or the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) [found elsewhere in this text] are deposited in an institution with adequate long-term curatorial capabilities;

(B) establishing a uniform process and standards for documenting historic property by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records within the Library of Congress; and

(C) certifying local governments, in accordance with sections 302502 and 302503 [of Title 54] [section 101(c)(1) of this Act] and for the transfer of funds pursuant to section 302902(c)(4) [of Title 54] [section 103(c) of this Act].

54 U.S.C. 302108
Review threats to eligible and listed properties and recommend action

(8) At least once every 4 years, the Secretary, in consultation with the Council and with State Historic Preservation Officers, shall review significant threats to historic property to—

(A) determine the kinds of historic property that may be threatened;

(B) ascertain the causes of the threats; and

(C) develop and submit to the President and Congress recommendations for appropriate action.

54 U.S.C. Chapter 3023 – State Historic Preservation Programs

54 U.S.C. 302301
Regulations

(b)(1) The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust, shall promulgate regulations for State Historic Preservation Programs. The regulations shall provide that a State program submitted to the Secretary under this [Act] shall be approved by the Secretary if the Secretary determines that the program provides for—

Designation of the State Historic Preservation Officer

(A) the designation and appointment by the chief elected official of the State of a State Historic Preservation Officer to administer the program in accordance with section 302303 [of Title 54] [section 101(b)(3) of this Act] and for the employment or appointment by the officer of such professionally qualified staff as may be necessary for those purposes;

Designation of the State Review Board

(B) an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

(C) adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

54 U.S.C. 302302 Program Evaluations

(2)(A) When Evaluation Should Occur— Periodically, but not less than every 4 years after the approval of any State program under section 302301 [of Title 54] [section 101(b)(1) of this Act], the Secretary, in consultation with the Council on the appropriate provisions of this [Act], and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this [Act].

(B) Disapproval of Program—If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this [Act], the Secretary shall disapprove the program and suspend in whole or in part any contracts or cooperative agreements with the State and the State Historic Preservation Officer under this [Act], until the program is consistent with this [Act], unless the Secretary determines that the program will be made consistent with this [Act] within a reasonable period of time.

(C) Oversight—The Secretary, in consultation with State Historic Preservation Officers, shall establish oversight methods to ensure State program consistency

and quality without imposing undue review burdens on State Historic Preservation Officers.

(D) State Fiscal Audit and Management System—Substitution for Comparable Federal Systems—At the discretion of the Secretary, a State system of fiscal audit and management may be substituted for comparable Federal systems so long as the State system—

(i) establishes and maintains substantially similar accountability standards; and

(ii) provides for independent professional peer review.

Fiscal audits and review by secretary—The Secretary may conduct periodic fiscal audits of State programs approved under this [section] as needed; and shall ensure that such programs meet applicable accountability standards.

54 U.S.C. 302303
State Historic Preservation Officer Responsibilities

(3) In general—It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program and to administer the State Historic Preservation Program.

Particular Responsibilities— It shall be the responsibility of the State Historic Preservation Officer to—

(A) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic property and maintain inventories of the property;

(B) identify and nominate eligible property to the National Register and otherwise administer applications for listing historic property on the National Register;

(C) prepare and implement a comprehensive statewide historic preservation plan;

(D) administer the State program of Federal assistance for historic preservation within the State;

(E) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

(F) cooperate with the Secretary, the Council, other Federal and State agencies, local governments, and private organizations and individuals to ensure that historic property is taken into consideration at all levels of planning and development;

(G) provide public information, education, and training, and technical assistance in historic preservation;

(H) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to chapter 3025 [of Title 54] [section 101(c) of this Act];

(I) consult with the appropriate Federal agencies in accordance with this [Act] on—

(i) Federal undertakings that may affect historic property; and

(ii) the content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to that property; and

(J) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

54 U.S.C. 302304(a)
Contracts and cooperative agreements with non-profit organizations

(4) STATE— Any State may carry out all or any part of its responsibilities under this chapter by contract or cooperative agreement with a qualified nonprofit organization or educational institution.

(5) [Repealed as Obsolete]

54 U.SC. 302304(b)
Contracts and cooperative agreements with State Historic Preservation Officers

(6) SECRETARY— IN GENERAL—

(A) AUTHORITY TO ASSIST SECRETARY— Subject to subparagraphs (C) and (D), the Secretary may enter into contracts or cooperative agreements with a State Historic

Preservation Officer for any State authorizing such Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State:

(i) Identification and preservation of historic property.

(ii) Determination of the eligibility of property for listing on the National Register.

(iii) Preparation of nominations for inclusion on the National Register.

(iv) Maintenance of historical and archaeological data bases.

(v) Evaluation of eligibility for Federal preservation incentives.

Authority To Maintain National Register— Nothing in this paragraph shall be construed to provide that any State Historic Preservation Officer or any other person other than the Secretary shall have the authority to maintain the National Register for properties in any State.

(B) Requirements— The Secretary may enter into a contract or cooperative agreement under paragraph (A) only if—

(i) the State Historic Preservation Officer has requested the additional responsibility;

(ii) the Secretary has approved the State historic preservation program pursuant to sections 302301 and 302302 [of Title 54] [section 101(b)(1) and (2) of this Act];

(iii) the State Historic Preservation Officer agrees to carry out the additional responsibility in a timely and efficient manner acceptable to the Secretary and the Secretary determines that the Officer is fully capable of carrying out the responsibility in that manner;

(iv) the State Historic Preservation Officer agrees to permit the Secretary to review and revise, as appropriate in the discretion of the Secretary, decisions made by the Officer pursuant to the contract or cooperative agreement; and

(v) the Secretary and the State Historic Preservation Officer agree on the terms of additional financial assistance to the State, if there is to be any, for the costs of carrying out that responsibility

(C) Preservation Programs and activities Not Diminished— For each significant program area under the Secretary's authority, the Secretary shall establish specific conditions and criteria essential for the assumption by State Historic Preservation Officers of the Secretary's duties in each such program.

(D) Establish Conditions and Criteria— Nothing in this subsection shall have the effect of diminishing the preservation programs and activities of Service.

54 U.S.C. Chapter 3025 –Certification of local Governments

54 U.S.C. 302502 Certification as part of State program

(c)(1) Any State program approved under this [Act] shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this [Act] and provide for the transfer, in accordance with section 302902(c)(4) [of Title 54] [section 103(c) of this Act], of a portion of the grants received by the States under this [Act], to such local governments.

54 U.S.C. 302503 Certification criteria

Approved State Program— Any local government shall be certified to participate under the provisions of this section if the applicable State Historic Preservation Officer, and the Secretary certifies that the local government—

(A) enforces appropriate State or local legislation for the designation and protection of historic property;

(B) has established an adequate and qualified historic preservation review commission by State or local legislation;

(C) maintains a system for the survey and inventory of historic property that furthers the purposes of chapter 3023 [of Title 54] [section 101(b) of this Act];

(D) provides for adequate public participation in the local historic preservation program, including the process of recommending property for nomination to the National Register; and

(E) satisfactorily performs the responsibilities delegated to it under this [Act].

NO APPROVED STATE PROGRAM— Where there is no State program approved under sections 302301 and 302302 [of Title 54] [section 101(b)(1) and (2) of this Act], a local government may be certified by the Secretary if the Secretary determines that such local government meets the requirements of subsection (a). The Secretary may make grants to the local government certified under this subsection for purposes of this subdivision.

54 U.S.C. 302504
Participation of certified local governments in National Register nominations

(2)(A) NOTICE— Before a property within the jurisdiction of the certified local government may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission.

REPORT— The local historic preservation commission, after reasonable opportunity for public comment, shall prepare a report as to whether the property, in the commission's opinion, meets the criteria of the National Register. Within 60 days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and the recommendation of the local official to the State Historic Preservation Officer.

RECOMMENDATION—PROPERTY NOMINATED TO NATIONAL REGISTER— Except as provided in paragraph (B), after receipt of the report and recommendation, or if no such report and recommendation are received within

60 days, the State shall make the nomination pursuant to section 302104 [of Title 54] [section 101(a)(3) -(5) of this Act]. The State may expedite the process with the concurrence of the certified local government.

(B) Property not nominated to the national register— If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless within 30 days of the receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 302104 [of Title 54] [section 101(a)(3) -(5) of this Act]. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

54 U.S.C. 302505
Eligibility and responsibility of certified local government

(3) Any local government that is certified under this [Act] shall be eligible for funds under section 302902 [of Title 54] [section 103 of this Act]; and [any local government] that is certified, or making efforts to become certified, under this chapter shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary considers necessary or advisable.

54 U.S.C. 302501
Definitions

(4) In this chapter:

(A) Designation— The term "designation" means the identification and registration of property for protection that meet criteria established by the State or locality for significant historic property within the jurisdiction of a local government

(B) Protection— The term "protection" means protection by means of a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic property designated pursuant to this chapter.

54 U.S.C. Chapter 3027— Tribal Historic Preservation Program

54 U.S.C. 302701
Establish program and regulations to assist Indian tribes

(d)(1)(A) ESTABLISHMENT OF PROGRAM— The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their historic property.

COMMUNICATION AND COOPERATION—The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to ensure that all types of historic property are given due consideration; and encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic property.

(B) TRIBAL VALUES— The program under subparagraph (A) shall be developed in a manner as to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this section to conform to the cultural setting of tribal heritage preservation goals and objectives.

SCOPE OF TRIBAL PROGRAMS—The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each tribe's chief governing authority.

(C) CONSULTATION—The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservation Officers, and other interested parties concerning the program under subparagraph (A).

54 U.S.C. 302702
Indian Tribes may assume State Historic Preservation Officer functions

(2) An Indian tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with sections 302302 and 302303 [of Title 54] [section 101(b)(2) and (3) of this Act], with respect to tribal land, as those responsibilities may be modified for tribal programs through regulations issued by the Secretary if—

(A) the Indian tribe's chief governing authority so requests;

(B) the Indian tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the tribe's chief governing authority or as a tribal ordinance may otherwise provide;

(C) the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out;

(D) the Secretary determines, after consultation with the Indian tribe, the appropriate State Historic Preservation Officer, the Council (if the tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 306108 [of Title 54] [section 106 of this Act]), and other Indian tribes, if any, whose tribal or aboriginal lands may be affected by conduct of the tribal preservation program—

(i) that the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under paragraph (3);

(ii) that the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer; and

(iii) that the plan provides, with respect to properties neither owned by a member of the Indian tribe nor held in trust by the Secretary for the benefit of the Indian tribe, at the request of the owner of the properties, the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with sections 302302 and 302303 [of Title 54] [section 101(b)(2) and (3) of this Act]; and

(E) based on satisfaction of the conditions stated in paragraphs (A), (B), (C), and (D), the Secretary approves the plan.

54 U.S.C. 302703
Apportionment of Grant funds

(3) In consultation with interested Indian tribes, other Native American organizations and affected State Historic Preservation Officers, the Secretary shall establish and implement procedures for carrying out section 302902(c)(1)(A) [of Title 54] [section 103(a) of this Act] with respect to tribal programs that assume responsibilities under section 302702 [of Title 54] [section 101(d)(2) of this Act].

54 U.S.C. 302704
Contracts and cooperative agreements with Indian Tribes

(4) At the request of an Indian tribe whose preservation program has been approved to assume functions and responsibilities pursuant to section 302702 [of Title 54] [101(d)(2) of this Act], the Secretary shall enter into contracts or cooperative agreements with the Indian tribe permitting the assumption by the tribe of any part of the responsibilities described in section 302304(b) [of Title 54] [section 101(b)(6) of this Act] on tribal land, if—

(A) the Secretary and the Indian tribe agree on additional financial assistance, if any, to the Indian tribe for the costs of carrying out those authorities;

(B) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this [Act]; and

(C) the contract or cooperative agreement specifies the continuing responsibilities of the Secretary or of the appropriate State Historic Preservation Officers and provides for appropriate participation by—

(i) the Indian tribe's traditional cultural authorities;

(ii) representatives of other Indian tribes whose traditional lands are under the jurisdiction of the Indian tribe assuming responsibilities; and

(iii) the interested public.

54 U.S.C. 302705
Agreement for review under tribal historic preservation regulations

(5) The Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the

Council to govern compliance with section 306108 [of Title 54] [section 106 of this Act], if the Council, after consultation with the Indian tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic property consideration equivalent to that afforded by the Council's regulations.

54 U.S.C. 302706
Traditional religious and cultural properties may be eligible for listing in the National Register

(6)(A) In General— Property of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

(B) Consultation— In carrying out its responsibilities under section 306108 [of Title 54] [section 106 of this Act], a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described in subsection (a).

(C) Hawaii—In carrying out responsibilities under section 302303 [of Title 54] [section 101(b)(3) of this Act], the State Historic Preservation Officer for the State of Hawaii shall—

(i) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate the property to the National Register;

(ii) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for the property; and

(iii) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate the property to the National Register and to carry out the cultural component of the preservation program or plan.

54 U.S.C. Chapter 3029 – Grants
*54 U.S.C. 302902(a)
Grants to States

(e)(1) In General—The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this Act.

*54 U.S.C. 302903(a)
Grants to the National Trust

(2) Secretary of the Interior— The Secretary may administer grants to the National Trust consistent with the purposes of its charter and this [Act].

*54 U.S.C. 302904(a)
Direct Grants

(3)(A) Administration of Program— The Secretary shall administer a program of direct grants for the preservation of properties included on the National Register.

54 U.S.C. 302904(b)
Available Amount

Available Amount— Funds to support the program annually shall not exceed 10 percent of the amount appropriated annually for the Historic Preservation Fund.

54 U.S.C. 302904(c)(1)
Uses of Grants

Uses Of Grants— In General— Grants under this section may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

(i) for the preservation of National Historic Landmarks which are threatened with demolition or impairment; and historic property of World Heritage significance,

(ii) for demonstration projects which will provide information concerning professional methods and techniques having application to historic property,

(iii) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation, and

(iv) to assist persons or small businesses within any historic district included in the National Register to remain within the district.

54 U.S.C. 302906
Grants or loans to Indian tribes and non-profit ethnic or minority organizations for preserving cultural heritage

(B) The Secretary may, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this [section] to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

*54 U.S.C. 302904(c)(2)
Limitation on grants

(C) Limit on Certain Grants— A grant may be made under subparagraph (i) or (iv) of paragraph (A) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan

under section 303901 [of Title 54] [section 104 of this Act].

54 U.S.C. 302905
Grants for religious properties

(4) In General—Grants may be made under this chapter for the preservation, stabilization, restoration, or rehabilitation of religious property listed on the National Register if the purpose of the grant is secular, does not promote religion, and seeks to protect qualities that are historically significant.

Effect Of Section— Nothing in this paragraph shall be construed to authorize the use of any funds made available under this [Act] for the acquisition of any property listed on the National Register.

54 U.S.C 302907
Direct grants to Indian tribes and Native Hawaiian organizations

(5) The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this [Act] as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to an Indian tribe or Native Hawaiian organization may be used as matching funds for the purposes of the Indian tribe's or organization's conducting its responsibilities pursuant to this [section].

54 U.S.C. 302908
Direct Grants to Micronesia, Marshall Islands, and Palau

(6)(A) In General—As a part of the program of matching grant assistance from the Historic Preservation Fund to States, the Secretary shall administer a program of direct grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau in furtherance of the Compact of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands, approved by the Compact of Free Association Act of 1985 (48 U.S.C. 1901 et seq., 2001 et seq.), and the Compact of Free Association between the United States and Palau, approved by the Joint Resolution entitled "Joint Resolution to approve the 'Compact of Free Association' between the United States and Government of Palau, and for other purposes" (48 U.S.C.1901 et seq., 2001 et seq.). [Mention of the Trust Territory of the Pacific Islands is omitted as obsolete, see note at 48 U.S.C. prec. 1681]

GOAL OF PROGRAM—The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each of those nations so that at the termination of the compacts the programs shall be firmly established.

WAIVERS AND MODIFICATIONS— The Secretary may waive or modify the requirements of this [section] to conform to the cultural setting of those nations. Matching funds may be waived or modified.

B) BASIS OF ALLOCATING AMOUNTS— The amounts to be made available to the Micronesian States shall be allocated by the Secretary on the basis of needs as determined by the Secretary.

54 U.S.C. 302909
Prohibition on compensating interveners

(f) No part of any grant made under this [section] may be used to compensate any person intervening in any proceeding under this [Act].

*54 U.S.C. 306101(b)
Guidelines for federal agency responsibilities

(g) GUIDELINES FOR FEDERAL AGENCY RESPONSIBILITY FOR AGENCY-OWNED HISTORIC PROPERTY—In consultation with the Council, the Secretary shall promulgate guidelines for Federal agency responsibilities under [chapter 3061 of Title 54] [section 110 of this Act].

*54 U.S.C. 306101(c)
Preservation standards for federally owned or controlled properties

(h) PROFESSIONAL STANDARDS FOR PRESERVATION OF FEDERALLY OWNED PROPERTY— The Secretary shall establish, in consultation with the Secretary of Agriculture, the Secretary of Defense, the Smithsonian Institution, and the Administrator of General Services, professional standards for the preservation of historic properties in Federal ownership or control.

54 U.S.C. 303902
Technical advice, training, and educational materials

(i) The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic property and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information con-

cerning historic preservation to the general public including students.

54 U.S.C. 303903
Comprehensive preservation education and training program

(j)(1) The Secretary, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, shall develop and implement a comprehensive preservation education and training program.

(2) The program shall include—

(A) standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;

(B) preservation training opportunities for Federal, State, tribal and local government workers, and students;

(C) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs; and

(D) where appropriate, coordination with the National Center for Preservation Technology and Training of—

(i) distribution of information on preservation technologies;

(ii) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and

(iii) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

*54 U.S.C. 302901(a)
Grant requirements

Section 102

(a) In General—No grant may be made under this [Act]—

(1) unless application for the grant is submitted to the Secretary in accordance with regulations and procedures prescribed by the Secretary;

*54 U.S.C. 302902(b)(1)(A)
Grant requirements (cont.)

(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to chapter 2003 [of Title 54] [The Land and Water Conservation Fund Act of 1965 (54 U.S.C. 2003 et. seq.)].

*54 U.S.C. 302902(b)(3)(A)
Limit on matching

(3) for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 302303 [of Title 54] [section 101(b)(3) of this Act] in any one fiscal year;

*54 U.S.C. 302902(b)(1)(B)
Grant requirements (cont.)

(4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;

*54 U.S.C. 302902(b)(1)(C)
Grant requirements (cont.)

(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; or

*54 U.S.C. 302902(b)(1)(D)
Grant requirements (cont.)

(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

*54 U.S.C. 302902(b)(3)(B)
State share to be contributed by non-federal sources

Source of State Share of Costs— Except as permitted by other law, the State share of the costs referred to in subparagraph (A) shall be contributed by non-Federal sources.

*54 U.S.C. 302901(b)
Grant not treated as taxable income

Notwithstanding any other provision of law, no grant made pursuant to this Act shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 [Title 26 of the U.S. Code].

*54 U.S.C. 302902(b)(2)
Waiver for the National Trust

(b) Waiver— The Secretary may waive the requirements of subsection(a) paragraphs (2) and (5) of this section for any grant under this [Act] to the National Trust.

*54 U.S.C 302902(b)(4)
State limitation on matching

(c) Restriction on Use of Real Property to Meet Non-Federal Share of Cost of Project— No State shall be permitted to utilize the value of real property obtained before October 15, 1966 [the date of original approval of this Act] in meeting the non-Federal cost of a project for which a grant is made under this [Act].

54 U.S.C. 302901(c)
Availability of funds

(d) Availability— The Secretary shall make funding available to individual States and the National Trust as soon as practicable after execution of a grant agreement. For purposes of administration, grants to individual States and the National Trust each shall be deemed to be one grant and shall be administered by the Service as one grant.

*54 U.S.C. 302902(d)
Administrative costs

(e) Administrative Costs—The total direct and indirect administrative costs charged for carrying out State projects and programs may not exceed 25 percent of the aggregate costs (except in the case of a grant to the Federate States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau).

*54 U.S.C. 302902(c)
Apportionment of grant funds
Basis for apportionment

Section 103

(a) Apportionment of Grant Amounts—Bases for apportionment—The amounts appropriated and made available for grants to the States for the purposes of this [Act] shall be apportioned among the States by the Secretary on the basis of needs as determined by the Secretary; and

(b) for projects and programs under this [Act] for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

Notification— The Secretary shall notify each State of its apportionment under [this section] within 30days following the date of enactment of legislation appropriating funds under this [Act].

Reapportionment—Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given and for 2 fiscal years after that fiscal year, shall be reapportioned by the Secretary in accordance with [this section]. The Secretary

shall analyze and revise as necessary the method of apportionment. The method and any revision shall be published by the Secretary in the Federal Register.

Guidelines for Certified Local Government pass-through grants

(c) Transfer of Funds to Certified Local Governments—Not less than 10 percent of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this [Act] shall be transferred by the State, pursuant to the requirements of this [Act], to certified local governments for historic preservation projects or programs of such local governments. In any year in which the total annual apportionment to the States exceeds $65,000,000, 50 percent of the excess shall also be transferred by the States to certified local governments.

(d) The Secretary shall establish guidelines for the use and distribution of funds under paragraph (c) to insure that no local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single local government. The guidelines shall not limit the ability of any State to distribute more than 10 percent of its annual apportionment under paragraph (c), nor shall the Secretary require any State to exceed the 10 percent minimum distribution to local governments.

54 U.S.C. 303901
Insured loans for National Register

Section 104

(a) Establishment—The Secretary shall establish and maintain a program by which the Secretary may, on application of a private lender, insure loans (including loans made in accordance with a mortgage) made by the lender to finance any project for the preservation of a property included on the National Register.

(b) Loan Qualifications—A loan may be insured under this section if—

(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed the amount and rate established by the Secretary by regulation;

(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

(5) the repayment period of the loan does not exceed the lesser of 40 years or the expected life of the asset financed;

(6) the amount insured with respect to such loan does not exceed 90 percent of the loss sustained by the lender with respect to the loan; and

(7) the loan, the borrower, and the historic property to be preserved meet other terms and conditions as may be prescribed by the Secretary by regulation, especially terms and conditions relating to the nature and quality of the preservation work.

Consultation—The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

(c) Limitation on Amount of Unpaid Principal Balance of Loans—The aggregate unpaid principal balance of loans insured under this section and outstanding at any one time may not exceed the amount which has been covered into the Historic Preservation Fund but which has not been appropriated for any purpose.

(d) Insurance Contracts— Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

(e) Conditions and Methods of Payment as Result of Loss—The Secretary shall specify, by regulation and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

(f) Protection of Financial Interests of Federal Government— In entering into any contract to insure a loan under this section, the Secretary shall take steps to ensure adequate protection of the financial interests of the Federal Government. The Secretary may—

(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the historic property securing a loan insured under this title; and

(2) operate or lease the historic property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (h).

(g) Conveyance to Governmental or Nongovernmental Entity of Property Acquired by Foreclosure—

(1) Attempt To Convey To Ensure Property's Preservation And Use—In any case in which a historic property is obtained pursuant to subsection (g), the Secretary shall attempt to convey such property to any governmental or nongovernmental entity under conditions as will ensure the property's continued preservation and use; except that if, after a reasonable time, the Secretary, in consultation with the Council, determines that there is no feasible and prudent means to convey such property and to ensure its continued preservation and use, then the Secretary may convey the property at the fair market value of its interest in such property to any entity without restriction.

(2) Disposition of Funds— Any funds obtained by the Secretary in connection with the conveyance of any property pursuant to paragraph (1) shall be covered into the Historic Preservation Fund and shall remain available in

such fund until appropriated by the Congress to carry out the purposes of this Act.

(h) Assessment of Fees in Connection with Insuring Loans— The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. The fees shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation fund until appropriated by the Congress to carry out the purposes of this [Act].

(i) Treatment of Loans as Non-Federal Funds— Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned upon the use of non-Federal funds by the recipient for payment of any portion of the costs of the project or activity.

(j) [Omitted, contained appropriations authorization]

(k) Ineligibility of Debt Obligation for Purchase or Commitment to Purchase by, or Sale or Issuance to, Federal Financing Bank— No debt obligation which is made or committed to be made, or that is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.

54 U.S.C. 302910
Recordkeeping by Grantees

Section 105

A recipient of assistance under this [Act] shall keep—

(1) such records as the Secretary shall prescribe, including records which fully disclose—

(A) the disposition by the recipient of the proceeds of such assistance;

(B) the total cost of the project or undertaking in connection with which the assistance is given or used; and

(C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(2) such other records as will facilitate an effective audit.

54 U.S.C. 306108
Comment on effect of federal agency undertakings on historic property

Section 106

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of any such Federal agency shall afford the Council Act a reasonable opportunity to comment with regard to such undertaking.

54 U.S.C. 307104
Exemption of White House, Supreme Court, and Capitol

Section 107

Nothing in this Act shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

54 U.S.C. Chapter 3031
Historic Preservation Fund

Section 108

To carry out the provisions of this [Act], there is established in the Treasury the Historic Preservation Fund.

54 U.S.C. 303101
Establishment

54 U.S.C. 303102
Funding

For each of the fiscal years 2012 to 2023, $150,000,000 shall be deposited in the Historic Preservation Fund from revenues due and payable to the United States under section 9 the Outer Continental Shelf Lands Act (43 U.S.C. 1338), section 7433(b) of Title 10, or both, notwithstanding any provision of law that those proceeds shall be credited to miscellaneous receipts of the Treasury.

54 U.S.C. 303103
Use and Availability

Amounts in the Historic Preservation Fund shall be used only to carry out the purposes of this [Act] and shall be available for expenditure only when appropriated by the Congress. Any amount not appropriated shall remain available in the fund until appropriated for those purposes: Ap-

propriations made pursuant to this section may be made without fiscal year limitation.

54 U.S.C. 307108
Privately donated funds

Section 109

(a) Projects for Which Funds May Be Used—In furtherance of the purposes of this [Act], the Secretary may accept the donation of funds that may be expended by the Secretary for projects to acquire, restore, preserve, or recover data from any property included on the National Register so long as the project is owned by a State, any unit of local government, or any nonprofit entity.

(b) Consideration of Factors Respecting Expenditure of Funds—In General— In expending the funds, the Secretary shall give due consideration to the national significance of the project; its historical value to the community; the imminence of its destruction or loss; and the expressed intentions of the donor.

Funds Available without Regard to Matching Requirements—Funds expended under this subsection shall be made available without regard to the matching requirements established by sections 302901 and 302902(b) [of Title 54] [section 102 of this Act], but the recipient of the funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund.

(c) Transfer of Unobligated Funds— The Secretary may transfer unobligated funds previously donated to the Secretary for purposes of the Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with the provisions of this [Act].

54 U.S.C. 3061
Chapter 3061 Subchapter I– Federal agency historic preservation programs

*54 U.S.C. 306101(a)
Federal agencies' responsibility to preserve and use historic properties

Section 110

(a)(1) In General—

Agency Head Responsibility—The heads of all Federal agencies shall assume responsibility for the preservation of historic property that is owned or controlled by the agency.

USE OF AVAILABLE HISTORIC PROPERTY— Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic property available to the agency in accordance with Executive Order No. 13006 (40 U.S.C. 3306 note). [Issued May 21, 1996, see appendix for link to text].

NECESSARY PRESERVATION— Each agency shall undertake, consistent with the preservation of historic property, the mission of the agency, and the professional standards established pursuant to subsection (c) [section 101(g) of this Act], any preservation, as may be necessary to carry out this [Act].

54 U.S.C. 306102
Each Federal agency to establish a preservation program

(2) ESTABLISHMENT— Each Federal agency shall establish (except for programs or undertakings exempted pursuant to section 304108(c) [of title 54] [section 214 of this Act]), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register, and protection of historic property.

REQUIREMENTS—The program shall ensure that—

(A) historic property under the jurisdiction or control of the agency, is identified, evaluated, and nominated to the National Register;

(B) historic property under the jurisdiction or control of the agency is managed and maintained in a way that considers the preservation of their historic, archaeological, architectural, and cultural values in compliance with section 306108 [of Title 54] [section 106 of this Act] and gives special consideration to the preservation of those values in the case of property designated as having national significance;

(C) the preservation of property not under the jurisdiction or control of the agency but potentially affected by agency actions is given full consideration in planning;

(D) the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and the private sector; and

(E) that the agency's procedures for compliance with section 306108 [of Title 54] [section 106 of this Act]—

(i) are consistent with regulations issued by the Council pursuant to section 304108(a) and (b) of [Title 54] [section 211 of this Act];

(ii) provide a process for the identification and evaluation of historic property for listing on the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on historic property will be considered; and

(iii) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c)).

54 U.S.C. 306103
Recordation of historic properties prior to demolition

(b) Each Federal agency shall initiate measures to assure that where, as a result of Federal action or assistance carried out by the agency, a historic property is to be substantially altered or demolished—

(1) timely steps are taken to make or have made appropriate records; and

(2) the records are deposited, in accordance with section 302107 [of Title 54] [section 101(a) of this Act], in the Library of Congress or with such other appropriate agency as may be designated by the Secretary, for future use and reference.

54 U.S.C. 306104
Federal Agency Preservation Officers

(c) The head of each Federal agency (except an agency that is exempted under 304108(c) [of Title 54] [section 214 of this Act]), shall designate a qualified official to be known as the agency's Preservation Officer who shall be responsible for coordinating that agency's activities under this [Act]. Each Preservation Officer may, to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 306101(c) [of Title 54] [section 101(h) of this Act].

54 U.S.C. 306105
Conduct of agency programs consistent with Act

(d) Consistent with the agency's mission and mandates, each Federal agency shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this [Act] and, give consideration to programs and projects that will further the purposes of this [Act].

54 U.S.C. 306106
Transfer of surplus Federal historic properties

(e) The Secretary shall review and approve the plans of transferees of surplus federally owned historic property not later than 90 days after his receipt of the plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

54 U.S.C. 306107
Federal undertakings affecting National Historic Landmarks

(f) Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall to the maximum extent possible undertake such planning and actions as may be necessary to minimize harm to the landmark. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

54 U.S.C. 306109
Preservation activities as an eligible project cost

(g) A Federal agency may include the costs of preservation activities of the agency under this [Act] as eligible project costs in all undertakings of the agency or assisted by the agency. The eligible project costs may include amounts paid by a Federal agency to any State to be used in carrying out the preservation responsibilities of the Federal agency under this [Act], and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit.

54 U.S.C. 306110
Preservation awards program

(h) The Secretary shall establish an annual preservation awards program under which the secretary may make monetary awards in amounts not to exceed $1,000 and provide citations for special achievements to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic property. The program may include the issuance of annual awards by the President of the United States to any citizen of the United States recommended for such award by the Secretary.

54 U.S.C. 306111
Environmental impact statement

(i) Nothing in this Act shall be construed to

(1) require the preparation of an environmental impact statement where the statement would not otherwise be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) [relevant excerpts found elsewhere in this text]; or

(2) provide any exemption from any requirement respecting the preparation of an environmental impact statement under that Act.

54 U.S.C. 306112
Disaster waivers

(j) The Secretary shall promulgate regulations under which the requirements of this [section] (except section 306108 [of Title 54] [section 106 of this Act]) may be waived in whole or in part in the event of a major natural disaster or an imminent threat to national security.

54 U.S.C 306113
Anticipatory demolition

(k) Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 [of Title 54] [section 106 of this Act], has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.

54 U.S.C. 306114
Documentation of Federal agency decisions respecting undertakings

(l) With respect to any undertaking subject to section 306108 [of Title 54] [section 106 of this Act] that adversely affects any historic property, and for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of the agency shall document any decision made pursuant to section 306108 [of Title 54] [section 106 of this Act]. The head of the agency may not delegate his or her responsibility to document a decision pursuant to this section. Where an agreement pursuant to regulations issued by the Council has been executed with respect to an undertaking, the agreement shall govern the undertaking and all of its parts.

Section 111

54 U.S.C. 306121
Lease or exchange of federal historic property, authorization and proceeds of lease

(a) Authority to Lease or Exchange— Notwithstanding any other provision of law, each Federal agency after consultation with the Council shall, to the extent practicable, establish and implement alternatives for historic property, including adaptive use, that are not needed for current or projected agency purposes; and may lease historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately ensure the preservation of the historic property.

(b) Proceeds of Lease—The proceeds of any lease under subsection (a) of this section may, notwithstanding any other provision of law, be retained by the agency entering into such lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to such property or other properties which are on the National Register which are owned by, or are under the jurisdiction or control of, such agency. Any surplus proceeds from the leases shall be deposited into the Treasury of the United States at the end of the 2d fiscal year following the fiscal year in which the proceeds were received.

54 U.S.C. 306122
Management contracts

(c)The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Council, enter into a contract for the man-

agement of the property. The contract shall contain terms and conditions as the head of the agency deems necessary or appropriate to protect the interests of the United States and ensure adequate preservation of the historic property.

54 U.S.C. 306131
Professional standards

Section 112

*54 U.S.C. 306131(a)(1)(A)-(B)
Federal agency actions must meet regulations by Secretary

(a) Standards—In General— Each Federal agency that is responsible for the protection of historic property, (including archaeological property) pursuant to this [Act] or any other law shall ensure that—

(1)(A) all actions taken by employees or contractors of the agency meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of archaeology, architecture, conservation, history, landscape architecture, and planning;

(B) agency personnel or contractors responsible for historic property shall meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of archaeology, architecture, conservation, history, landscape architecture, and planning;

*54 U.S.C. 306131(a)(2)
Consideration of particular skill and expertise

Considerations— The standards referred to in paragraph (1)(B) shall consider the particular skills and expertise needed for the preservation of historic resources and shall be equivalent requirements for the disciplines involved

*54 U.S.C. 306131(a)(3)
Revision of standards

Revision— The Office of Personnel Management shall revise qualification standards for the disciplines involved.

*54 U.S.C. 306131(a)(1)(C)
Maintaining permanent databases

(2) Records and other data, including data produced by historical research and archaeological surveys and excavations are permanently maintained in appropriate data bases and made available to potential users pursuant to such regulations as the Secretary shall promulgate.

*54 U.S.C. 306131(b)
Guidelines to owners, encouraging protection of Native American cultural items

(b) Guidelines— To promote the preservation of historic property eligible for listing in the National Register, the Secretary shall, in consultation with the Council, promulgate

guidelines to ensure that Federal, State, and tribal historic preservation programs subject to this [Act] include plans to—

(1) provide information to the owners of properties containing historic property (including architectural, curatorial, and archaeological property) with demonstrated or likely research significance, about the need for protection of the historic property, and the available means of protection;

(2) encourage owners to preserve such property intact and in place and offer the owners of historic property information on the tax and grant assistance available for the donation of the historic property or of a preservation easement of the historic property;

(3) encourage the protection of Native American cultural items (within the meaning of section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)) and of property of religious or cultural importance to Indian tribes, Native Hawaiians, or other Native American groups; and

(4) encourage owners that are undertaking archaeological excavations to—

(A) conduct excavations and analyses that meet standards for federally-sponsored excavations established by the Secretary;

(B) donate or lend artifacts of research significance to an appropriate research institution;

(C) allow access to artifacts for research purposes; and

(D) prior to excavating or disposing of a Native American cultural item in which an Indian tribe or Native Hawaiian organization may have an interest under subparagraph (B) or (C) of section 3(a)(2) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(a)(2)(B), (C)), given notice to and consult with the Indian tribe or Native Hawaiian organization.

Section 113

[Repealed as Obsolete – Authorized study on illegal trafficking in antiques which commenced in 1992]

54 U.S.C. Chapter 3041—Advisory Council on Historic Preservation

Title II, Advisory Council on Historic Preservation

54 U.S.C. 304101 Establishment and composition of council; procedures

Section 201

(a) ESTABLISHMENT—There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation which shall be composed of the following members:

(1) A Chairman appointed by the President selected from the general public.

(2) The Secretary.

(3) The Architect of the Capitol.

(4) The Secretary of Agriculture and the heads of 7 other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President.

(5) One Governor appointed by the President.

(6) One mayor appointed by the President.

(7) The President of the National Conference of State Historic Preservation Officers.

(8) The general Chairman of the National Association of Tribal Historic Preservation Officers.

(9) The Chairman of the National Trust.

(10) four experts in the field of historic preservation appointed by the President from architecture, history, archaeology, and other appropriate disciplines.

(11) three members from the general public, appointed by the President.

(12) one member of an Indian tribe or Native Hawaiian organization who represents the interests of the Indian tribe or Native Hawaiian organization of which he or she is a member, appointed by the President.

(b) Designation of Substitutes— Each member of the Council specified in paragraphs (2) (5) and (7) through (9) of subsection (a) may designate another officer of the department, agency, or organization to serve on the Council instead of the member, except that, in the case of paragraphs (2) and (4), no such officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be designated.

(c) Term of Office— Each member of the Council appointed under paragraphs (10) through (12) of subsection (a) shall serve for a term of 4 years from the expiration of the term of the member's predecessor. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of four years. An appointed member may not serve more than two terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

(d) Vacancies—A vacancy in the Council shall not affect its powers, but shall be filled, not later than 60 days after the vacancy commences, in the same manner as the original appointment (and for the balance of the unexpired term).

(e) Chairman— (1) After January 20, 2017, the Chairman shall—

(A) be appointed by the President, by and with the advice and consent of the Senate;

(B) serve at the will of the President;

(C) serve full time; and

(D) be compensated at the rate provided for Level V of the Executive Schedule Pay Rates under section 5316 of title 5.

(2) The Chairman shall serve for a term of 4 years and may be reappointed once, for a total of not more than 8 years of service as Chairman, except that a Chairman whose appointment has expired under this paragraph shall serve until his or her successor has been appointed. The term of a Chairman shall start (regardless of actual appointment date) on January 20 after each general Presidential election. The first Chairman appointed after the date of enactment of this paragraph [December 16, 2016] shall have a first term commencing on January 20, 2017, and ending on January 19, 2021.

(3) The chairmen before the first appointment of a Chairman in accordance with paragraph (1) of this subsection shall receive $100 per diem when engaged in the performance of the duties of the Council, and shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(f) Designation of a Vice Chairman— The President shall designate a Vice Chairman, from the members appointed under paragraphs (5), (6), (10), or (11) of subsection (a). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(g) Quorum— Thirteen members of the Council shall constitute a quorum.

54 U.S.C. 304102
Functions and Duties of the Council

Section 202

(a) Duties—The Council shall—

(1) advise the President and the Congress on matters relating to historic preservation, recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation, and advise on the dissemination of information pertaining to those activities;

(2) encourage, in cooperation with the National Trust and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments; and the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation;

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;

(6) review the policies and programs of Federal agencies and recommend to Federal agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this [Act]; and

(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.

(b) Annual Report— The Council annually shall submit to the president a comprehensive report of its activities and the results of its studies and shall from time to time submit additional and special reports as it deems advisable. Each report shall propose legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out this [Act].

54 U.S.C. 304103
Council information from agencies

Section 203

The Council may secure directly from any Federal agency information, suggestions, estimates, and statistics for the purpose of this [Act]; and each Federal agency is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

54 U.S.C. 304104
Compensation of Council members

Section 204

The members of the Council specified in paragraphs (2), (3), and (4) of section 304101(a) [of title 54] [section 201 of this Act] shall serve without additional compensation. The Chairman of the Council shall be compensated as provided in subsection (e) of section 304101 [of title 54] [section 201 of this Act]. The other members of the Council shall receive $100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

*54 U.S.C. 304105(a)-(g)
Council administration; director, council, staff, etc.

Section 205

(a) Executive Director— There shall be an Executive Director of the Council who shall be appointed by the Chairman with the concurrence of the Council in the competitive service at a rate within the General Schedule, in the competitive service at a rate that may exceed the rate prescribed for the highest rate established for grade 15 of the General Schedule under 5332 of title 5 [United States Code], or in the Senior Executive Service under section 3393 of title 5 [United States Code]. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

(b) General Counsel and Appointment of Other Attorneys—

(1) General Counsel – The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor.

(2) Appointment of Other Attorneys— The Executive Director shall appoint such other attorneys as may be necessary to—

(A) assist the General Counsel;

(B) represent the Council in court when appropriate, including enforcement of agreements with Federal agencies to which the Council is a party;

(C) assist the Department of Justice in handling litigation concerning the Council in court; and

(D) perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) Appointment and Compensation of Officers and Employees— The Executive Director of the Council may appoint and fix the compensation of officers and employees in the competitive service who are necessary to perform the functions of the Council at rates not to exceed that prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5 [United States Code]. The Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that prescribed for the highest rate of grade 15 of the General Schedule under section 5332 of Title 5 [United States Code] or in the Senior Executive Service under section 3393 of title 5 [United States Code].

(d) Appointment and Compensation of Additional Personnel— The Executive Director may appoint and fix the compensation of such additional personnel as may be necessary to carry out the Council's duties, without regard to the provisions of the civil service laws and chapter 51 and subchapter III of chapter 53 of Title 5 [United States Code].

(e) Expert and Consultant Services— The Executive Director of the Council may procure expert and consultant services in accordance with section 3109 of title 5 [United States Code].

(f) Financial and Administrative Services—

(1) Services to Be Provided by Secretary, Agency, or Private Entity— Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Secretary or, at the discretion of the Council, another agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or the authorized representative of the private entity that will provide the services.

(2) Federal Agency Regulations Relating to Collection Apply When a Federal agency affords those services, the regulations of that agency under section 5514(b) of title 5 [United States Code]for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency under sections 1513(d) and 1514 of title 31 [United States Code] for the administrative control of funds shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.

(g) Funds, Personnel, Facilities, and Services—

(1) Provided by Federal Agency— Any Federal agency may provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that the funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection must shall be obligated by the end of the fiscal year following the fiscal year in which the funds are received by the Council.

(2) Obtaining Additional Property, Facilities, and Services and Receiving Donations of Money—To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise additional property, facilities, and services as may be needed to carry out its duties and may receive donations of money for that purpose. The Executive Director may accept, hold, use, expend, and administer the property, facilities, services, and money for the purposes of this [Act].

54 U.S.C. 304106
International Centre for the Study of the Preservation and Restoration of Cultural Property

Section 206

(a) Authorization of Participation—The participation of the United States as a member of the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.

(b) Official Delegation— The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation which will participate in the activities of the Centre on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to the Secretary by the Council.

[Repealed]
Transfer of personnel, funds, etc. to the Council

Section 207

[Repealed 2014, ordered transfer of personnel to the Council by 11/28/1976]

*54 U.S.C. 304105(h)
Rights of Council Employees

Section 208

Rights, Benefits, of Privileges of Transferred Employees—Any employee in the competitive service of the United States transferred to the Council under section 207 of [this Act] [Repealed 2014] retains all rights, benefits, and privileges pertaining to the competitive service held prior to the transfer.

*54 U.S.C. 304105(i), (j)
Council exemption from Federal Advisory Committee Act

Section 209

Exemption from Federal Advisory Committee Act—The Council is exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

Provisions That Govern Operations Of Council—Subchapter II of chapter 5 and chapter 7 of Title 5 [United States Code] [the Administrative Procedure Act (80 Stat. 381)] shall govern the operations of the Council.

54 U.S.C. 304107
Council direct submission of documents to the Congress

Section 210

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress. When the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of the actions in its legislative recommendations, testimony, or comments on legislation that it transmits to the Congress.

*54 U.S.C. 304108(a), (b)
Regulations for Section 106, local government participation

Section 211

In General—The Council may promulgate regulations as it considers necessary to govern the implementation of section 306108 [of Title 54] [section 106 of this Act] in its entirety.

Participation by Local Governments—The Council shall by regulation establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to section 306108 [of Title 54] [section 106 of this Act] that affect the local governments.

54 U.S.C. 304109
Budget Submission

Section 212

(a) Time and Manner of Submission— The Council shall submit its budget annually as a related agency of the Department of the Interior.

(b) Transmittal of Copies to Congressional Committees—Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the Committee on Natural resources and Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate.

54 U.S.C. 304110
Reports from Secretary at request of Council

Section 213

To assist the Council in discharging its responsibilities under this Act, the Secretary at the request of the Chairman, shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

54 U.S.C. 304111
Council reimbursement from State and local agencies, etc.

Section 215

Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of this [Act].

Title III, General and Miscellaneous

54 U.S.C. Chapter 3003
Definitions

Section 301

In this [Act], the term—

54 U.S.C. 300301
Agency

(1) "Agency" has the meaning given the term in section 551 of title 5 [United States Code].

54 U.S.C. 300317
State

(2) "State" means—

(A) a State the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, of the Northern Mariana Islands; and

(B) the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

54 U.S.C. 300310
Local Government

(3) "Local government" means a city, county, township, municipality, or borough, or any other general purpose political subdivision of any State.

54 U.S.C. 300309
Indian Tribe

(4) "Indian tribe" means an Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

54 U.S.C. 300308
Historic Property

(5) "Historic property" means any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to the district, site, building, structure, or object.

54 U.S.C. 300311
National Register

(6) "National Register" or "Register" means the National Register of Historic Places maintained under chapter 3021 [of title 54] [section 101 of this Act].

54 U.S.C. 300320
Undertaking

(7) "Undertaking" means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

(A) those carried out by or on behalf of the agency;

(B) those carried out with Federal financial assistance;

(C) those requiring a Federal permit, license, or approval; and

(D) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

54 U.S.C. 300315
Preservation

(8) "Preservation" or "historic preservation" includes—

(A) identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, and conservation;

(B) education and training regarding the foregoing activities; or

(C) any combination of the foregoing activities.

54 U.S.C. 303004
Cultural Park

(9) "Cultural park" means a definable area that—

(A) is distinguished by historic property, prehistoric property, and land related to that property; and

(B) constitutes an interpretive, educational, and recreational resource for the public at large.

54 U.S.C. 300305
Historic Conservation District

(10) "Historic conservation district" means an area that contains—

(A) historic property;

(B) buildings having similar or related architectural characteristics;

(C) cultural cohesiveness; or

(D) any combination of the features described in paragraphs (1) to (3).

54 U.S.C. 300316
Secretary

(11) "Secretary" means the Secretary [of the Interior] acting through the Director [of the National Park Service]

54 U.S.C. 300318
State Historic Preservation Review Board

(12) "State historic preservation review board" means a board, council, commission, or other similar collegial body established as provided in section 302301(2) [of title 54] [section 101(b)2) of this Act]—

(A) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law);

(B) a majority of the members of which are professionals qualified in history, prehistoric and historic archaeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, landscape architecture, and related disciplines; and

(C) that has the authority to—

(i) review National Register nominations and appeals from nominations;

(ii) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(iii) provide general advice and guidance to the State Historic Preservation Officer; and

(iv) perform such other duties as may be appropriate.

54 U.S.C. 300307
Historic Preservation Review Commission

(13) "Historic preservation review commission" means a board, council, commission, or other similar collegial body that is established by State or local legislation as provided in section 302503(a)(2) [of title 54] [section 101(c)1) of this Act]; and the members of which are appointed by the chief elected official of a jurisdiction (unless State or local law provides for appointment by another official) from among—

(A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines, to the extent those professionals are available in the community concerned; and

(B) other individuals who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and as will provide for an adequate and qualified commission.

54 U.S.C. 300319
Tribal Lands

(14) "Tribal lands" means—

(A) all lands within the exterior boundaries of any Indian reservation; and

(B) all dependent Indian communities.

54 U.S.C. 300302
Certified Local Government

(15) "Certified local government" means a local government whose local historic preservation program has been certified pursuant to chapter 3025 [of title 54] [section 101(c) of this Act].

54 U.S.C. 300303
Council

(16) "Council" means the Advisory Council on Historic Preservation established by section 304101 [of title 54] [section 201 of this Act].

54 U.S.C. 300313
Native Hawaiian

(17) "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes Hawaii.

54 U.S.C. 300314
Native Hawaiian Organization

(18) In General— "Native Hawaiian organization" means any organization that—

(A) serves and represents the interests of Native Hawaiians;

(B) has as a primary and stated purpose the provision of services to Native Hawaiians; and

(C) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

Inclusions—The term includes, but is not limited to, the Office of Hawaiian Affairs of the State of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii.

54 U.S.C. 300312
National Trust

(19) "National Trust" means the National Trust for Historic Preservation in the United States established under [54 U.S.C. 312102].

54 U.S.C. 300306
Historic Preservation Fund

(20) "Historic Preservation Fund" means the Historic Preservation Fund established under section 303101 [of title 54] [section 108 of this Act].

54 U.S.C. 307106
Authorization for expenditure of appropriated funds

Section 302

Where appropriate, each Federal agency may expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this [Act], except to the extent appropriations legislation expressly provides otherwise.

54 U.S.C. 307107
Donations to the Secretary

Section 303

(a) Money and Personal Property— The Secretary may accept donations and bequests of money and personal property for the purposes of this [Act] and shall hold, use, expend, and administer the money and personal property for these purposes.

(b) Less Than Fee Interest in Historic Property— The Secretary is authorized to accept gifts or donations of less than fee interests in any historic property where the acceptance of such interests will facilitate the conservation or preservation of the historic property. Nothing in this section or in any provision of this [Act] shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

54 U.S.C. 307103
Confidentiality of information

Section 304

(a) Authority to Withhold From Disclosure— The head of a Federal agency, or other public official receiving grant assistance pursuant to this [Act], after consultation with the Secretary, shall withhold from disclosure to the public information about the location, character, or ownership of a historic property if the Secretary and the agency determine that disclosure may—

(1) cause a significant invasion of privacy;

(2) risk harm to the historic property; or

(3) impede the use of a traditional religious site by practitioners.

(b) Access Determination— When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with the Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this [Act].

(c) Consultation with Council— When the information described in subsection (a) has been developed in the

course of an agency's compliance with section 306107 or 306108 [of title 54] [section 110(f) and section 106 of this Act, respectively], the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).

54 U.S.C. 307105
Attorneys' Fees

Section 305

In any civil action brought in any United States district court by any interested person to enforce this [Act], if the person substantially prevails in such action, the court may award attorneys' fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

54 U.S.C. Chapter 3055 – National Museum for the Building Arts

*54 U.S.C. 305502
Establishment through cooperative agreement

Section 306

(a) To provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of General Services are authorized and directed to enter into a cooperative agreement with the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor, for the operation of a National Museum for the Building Arts in the Federal Building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia.

54 U.S.C. 305503
Activities and functions

The National Building museum shall—

(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;

(2) foster educational programs relating to the history, practice and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;

(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;

(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and

(5) encourage contributions to the building arts.

*54 U.S.C. 305502
Cooperative Agreement provisions

(b) The cooperative agreement section shall include provisions which—

(1) make the site available to the Committee without charge;

(2) provide, subject to available appropriations, such maintenance, security, information, janitorial and other services as may be necessary to assure the preservation and operation of the site; and

(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this Act.

54 U.S.C. 305504
Grants to Committee

(c) The Secretary shall provide matching grants to the Committee for its programs related to historic preservation. The Committee shall match the grants in a manner and with such funds and services as shall be satisfactory to the Secretary, except that no more than $500,000 may be provided to the Committee in any one fiscal year.

54 U.S.C. 305505
Annual Report

(d) The Committee shall submit an annual report to the Secretary and the Administrator of General Services concerning its activities under this section and shall provide the Secretary and the Administrator of General Services with such other information as the Secretary may, consider necessary or advisable.

54 U.S.C. 305501
Definition of "building arts" and committee"

In this chapter:

(1) Building Arts— The term "building arts" includes all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archaeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.

(2) Committee—The term "committee" means the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor.

54 U.S.C. 307102
Regulations and Congress

Section 307

(a) Publication in Federal Register— No final regulation of the Secretary shall become effective prior to the expiration of 30 calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

(b) Disapproval of Regulation by Resolution of Congress— The regulation shall not become effective if, within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of_____, which regulation was transmitted to Congress on_____," the blank spaces therein being appropriately filled.

(c) Failure of Congress to Adopt Resolution of Disapproval Of Regulation—If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within the 60 calendar days, a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(d) Sessions of Congress— For the purposes of this section—

(1) continuity of session is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 60 and 90 calendar days of continuous session of Congress.

(e) Congressional Inaction on or Rejection of a Resolution Not Deemed Approval of Regulation— Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.

54 U.S.C. Chapter 3051 – Historic lighthouse preservation

Section 308

54 U.S.C. 305102
National Historic Light Station program

(a) To provide a national historic light station program, the Secretary shall—

(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;

(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

(3) sponsor or conduct research and study into the history of light stations;

(4) maintain a listing of historic light stations; and

(5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.

54 U.S.C. 305103(a)
Selection of eligible entities

(b)(1) Process and Policies— The Secretary and the Administrator shall maintain a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of the light station by the eligible entity.

54 U.S.C. 305103(b)
Application Review

(2) Application Review—The Secretary shall—

(A) review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has deter-

mined the property to be "excess property" (as that term is defined in section 102 of title 40 [the Federal Property Administrative Services Act of 1949], and

(B) forward to the Administrator a single approved application for the conveyance of the historic light station.

CONSULTATION— When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.

54 U.S.C. 305103(c)
Conveyance or Sale of Historic Light Stations

(3)(A) CONVEYANCE OR SALE OF HISTORIC LIGHT STATIONS— Except as provided in subparagraph (B), the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, subject to the conditions set forth in subsection (c) after the Secretary's selection of an eligible entity. The conveyance of a historic light station under this section shall not be subject to the provisions of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105-383) [14 U.S.C. 93 note].

(B)(i) HISTORIC LIGHT STATION LOCATED WITHIN A SYSTEM UNIT OR A REFUGE WITHIN NATIONAL WILDLIFE REFUGE SYSTEM—A historic light station located within the exterior boundaries of a unit of a [National Park] System unit or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

(ii) CONDITIONS OF CONVEYANCE—If the Secretary approves the conveyance of a historic light station referenced described in subparagraph (A), the conveyance shall be subject to the conditions set forth in section 305104 [of title 54] [section 308(c) of this Act] and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

(iii) If the Secretary approves the sale of a historic light station described in subparagraph (A), the sale shall be subject to the conditions set forth in para-

graphs (1) to (4) and (8) of subsection (a) and subsection (b) of section 305104 [of title 54] [section 308(c) of this Act] and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

(iv) Cooperative Agreements— The Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities with respect to historic light stations described in subparagraph (A), as provided in this [Act], to the extent the cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the [National Park] System or wildlife refuge.

54 U.S.C. 305104
Terms of conveyance

(c)(1) In General— The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, the Administrator considers necessary to ensure that—

(A) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(B) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

(C) the eligible entity to which the historic light station is conveyed shall not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

(D)(i) the eligible entity to which the historic light station is conveyed shall, at its own cost and expense, use and maintain the historic light station in accordance with this [Act], the Secretary of the Interior's Standards

for the Treatment of Historic Properties contained in section 67.7 of title 36, Code of Federal Regulations, and other applicable laws; and

(ii) any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with section 800.5(a)(2)(vii) of title 36, Code of Federal Regulations, and the Secretary of the Interior's Standards for Rehabilitation, contained in section 67.7 of title 36, Code of Federal regulations;

(E) the eligible entity to which the historic light station is conveyed shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

(F) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lanterns, unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;

(G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, at any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless such commercial activities are approved by the Secretary; and

(H) the United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the

purpose of ensuring compliance with this section, to the extent that it is not possible to provide advance notice.

(2) Maintenance of Aid to Navigation— Any eligible entity to which a historic light station is conveyed under this section shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aids to navigation permitted under section 83 of title 14 [United States Code], to the eligible entity.

(3) Reversion— In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lanterns, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(A) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions that shall be set forth in the eligible entity's application;

(B) the historic light station or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

(C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws;

(D) the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary;

(E) the eligible entity to which the historic light station is conveyed, conducts any commercial activity at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary; or

(F) At least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part thereof is needed for national security purposes.

(4) Light Stations Originally Conveyed Under Other Authority—On receiving notice of an executed or intended conveyance by an owner that—

(A) received from the Federal Government under authority other than this [Act] a historic light station in which the United States retains a reversionary or other interest; and

(B) that is conveying it to another person by sale, gift, or any other manner, the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide such information as is necessary to complete this review. If the Secretary determines that the new owner has not or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.

54 U.S.C. 305105
Description of property

(d)(1) In General— The Administrator shall prepare the legal description of any historic light station conveyed under this chapter. The Administrator, in consultation with the Secretary of Homeland Security and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the light station at the time of conveyance. Wherever possible,

the historical artifacts should be used in interpreting that station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the station, if they meet loan requirements.

(2) ARTIFACTS— Artifacts associated with, but not located at the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Secretary of Homeland Security.

(3) COVENANTS— All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

(4) SUBMERGED LAND— No submerged lands shall be conveyed under this section.

54 U.S.C. 305101
Definitions

(e) In this chapter:

(1) ADMINISTRATOR— The term "Administrator" shall mean the Administrator of General Services.

(2) HISTORIC LIGHT STATION— The term "historic light station" includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated therewith; provided that the "historic light station" shall be included in or eligible for inclusion in the National Register of Historic Places.

(3) ELIGIBLE ENTITY— The term "eligible entity" shall mean:

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which the historic light station is located, the local government of the community in which the historic light station is located, a nonprofit corporation, an educational agency, or a community development organization that—

(i) has agreed to comply with the conditions set forth in section 305104 [of title 54] [section 308(c) of this Act] and to have the conditions recorded with the deed of title to the historic light station; and

(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in section 305104 [of title 54] [section 308(c) of this Act].

(4) Federal Aid to Navigation— The term "Federal aid to navigation" shall mean any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.

54 U.S.C. 305106
Historic light station sales

Section 309

(a) In General—

(1) When Sale May Occur—If no applicant is approved for the conveyance of a historic light station pursuant to sections 305101 through 305105 [of Title 54] [section 308 of this Act], the historic light station shall be offered for sale.

(2) Terms of Sale—Terms of the sales—

(A) shall be developed by the Administrator; and

(B) shall be consistent with the requirements of paragraphs (1) through (4) and (8) of subsection (b), of section 305104 [of title 54] [section 308(c) of this Act].

(3) Covenants to Be Included in Conveyance Documents—Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

(b) Net Sale Proceeds—Disposition and Use of Funds— Net sale proceeds from the disposal of a historic light station—

(1) located on public domain land shall be transferred to the National Maritime Heritage Grants Program, established under chapter 3087 [of title 54] [National Maritime Heritage Act of 1994 (54 U.S.C. 3087 et seq.)] in the Department of the Interior; and

(2) under the administrative control of the Secretary of Homeland Security shall be credited to the Coast Guard's Operating Expenses appropriation account; and shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Secretary of Homeland Security.

Availability of Funds— The funds referred to in paragraph (1)(B) shall remain available until expended and shall be available in addition to funds available in the Coast Guard's Operating Expense appropriation for that purpose.

54 U.S.C. Chapter 3053 – National Center for Preservation Technology and Training

Title IV, National Center for Preservation Technology and Training

Pub. L. 102-575 Findings by Congress

Section 401

[Not repealed but omitted from Title 54]

The Congress finds and declares that, given the complexity of technical problems encountered in preserving historic properties and the lack of adequate distribution of technical information to preserve such properties, a national initiative to coordinate and promote research, distribute information, and provide training about preservation skills and technologies would be beneficial.

54 U.S.C. 305301 Definitions

Section 402

In this chapter:

(1) Board— The term "Board" means the National Preservation Technology and Training Board established pursuant to section 305303 [of title 54] [section 404 of this Act].

(2) CENTER— The term "Center" means the National Center for Preservation Technology and Training established pursuant to section 305302 [of title 54] [section 403 of this Act].

54 U.S.C. 305302
Establishment, purposes, and programs of the Center

Section 403

(a) ESTABLISHMENT— There is established within the Department of the Interior a National Center for Preservation Technology and Training. The Center shall be located at Northwestern State University of Louisiana in Nacthitoches, Louisiana.

(b) PURPOSES— The purposes of the Center shall be to—

(1) develop and distribute preservation and conservation skills and technologies for the identification, evaluation, conservation, and interpretation of prehistoric and historic property;

(2) develop and facilitate training for Federal, State and local resource preservation professionals, cultural resource managers, maintenance personnel, and others working in the preservation field;

(3) take steps to apply preservation technology benefits from ongoing research by other agencies and institutions;

(4) facilitate the transfer of preservation technology among Federal agencies, State and local governments, universities, international organizations, and the private sector; and

(5) cooperate with related international organizations including the International Council on Monuments and Sites, the International Center for the Study of Preservation and Restoration of Cultural Property, and the International Council on Museums.

(c) PROGRAMS— The purposes shall be carried out through research, professional training, technical assistance, and programs for public awareness, and through a program of grants established under section 305304 [of title 54] [section 405 of this Act].

(d) Executive Director— The Center shall be headed by an Executive Director with demonstrated expertise in historic preservation appointed by the Secretary with advice of the Board.

(e) Assistance from Secretary— The Secretary shall provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

54 U.S.C. 305303
Preservation Technology and Training Board

Section 404

(a) Establishment –There is established a Preservation Technology and Training Board.

(b) Duties— The Board shall—

(1) provide leadership, policy advice, and professional oversight to the Center;

(2) advise the Secretary on priorities and the allocation of grants among the activities of the Center; and

(3) submit an annual report to the President and the Congress.

(c) Membership— The Board shall be comprised of—

(1) The Secretary;

(2) 6 members appointed by the Secretary, who shall represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international organizations; and

(3) 6 members appointed by the Secretary on the basis of outstanding professional qualifications who represent major organizations in the fields of archaeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

54 U.S.C. 3005304
Grants for research, information distribution, and skill training

Section 405

(a) In General—The Secretary, in consultation with the Board, shall provide preservation technology and training grants to eligible applicants with a demonstrated institutional capability and commitment to the purposes of the Center, in order to ensure an effective and efficient system of research, information distribution and skills training in all the related historic preservation fields.

(b) Grant Requirements—

(1) Allocation— Grants provided under this section shall be allocated in such a fashion to reflect the diversity of the historic preservation fields and shall be geographically distributed.

(2) Limit on amount a recipient may receive— No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

(3) Limit on administrative costs— The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

(c) Eligible applicants— Eligible applicants may include—

(1) Federal and nonfederal laboratories;

(2) accredited museums;

(3) universities;

(4) nonprofit organizations;

(5) System units and offices and Cooperative Park Study Units of the [National Park] System,

(6) State Historic Preservation Offices;

(7) tribal preservation offices; and

(8) Native Hawaiian organizations.

(d) Standards and Methods— All such grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

54 U.S.C. 305305
General Provisions for the Center

Section 406

(a) Acceptance of Grants and Transfers— The Center may accept—

(1) grants and donations from private individuals, groups, organizations, corporations, foundations, and other entities; and

(2) transfers of funds from other Federal agencies.

(b) Contracts and Cooperative Agreements— Subject to appropriations, the Center may enter into contracts and cooperative agreements with Federal, State, local, and tribal governments, Native Hawaiian organizations, educational institutions, and other public entities to carry out the Center's responsibilities under this chapter.

(c) Additional Funds— Funds appropriated for the Center shall be in addition to funds appropriated for [National Park] Service programs, centers, and offices in existence on October 30, 1992.

54 U.S.C. 305306
Improve use of existing National Park Service centers and offices

Section 407

To improve the use of existing [National Park] Service resources, the Secretary shall fully utilize and further develop the [National Park] Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of such centers and offices within the [National Park] Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

Addendum

[This addendum contains related legislative provisions enacted in the National Historic Preservation Act Amendments of 1980 [Public Law 96-515] and that are codified within Title 54 but that are not part of the original National Historic Preservation Act.]

54 U.S.C. 307101
World Heritage Convention

Section 401

(a) Authority of Secretary— In carrying out this section, the Secretary of the Interior may act directly or through an appropriate officer in the Department of the Interior.

(b) Participation by United States— The Secretary shall direct and coordinate United States participation in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the Council. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

(c) Nomination of Property to World Heritage Committee— The Secretary shall periodically nominate property that the Secretary determines are of international significance to the World Heritage Committee on behalf of the United States. No property may be nominated unless it has previously been determined to be of national significance. Each such nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any such nomination, the Secretary shall notify the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(d) Nomination of Non-Federal Property to World Heritage Committee— No non-Federal property may be nominated by the Secretary to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in the nomination in writing.

Section 402

(e) Consideration of Undertaking on Property— Prior to the approval of any undertaking outside the United States which may directly and adversely affect a property which is on the World Heritage List or on the applicable country's

equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over such undertaking shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects

Legislative Notes

[This section compiles the relevant legislative notes found throughout the National Historic Preservation Act portion of Title 54. The section numbers on the left are not official citations for these documents, but a reference to their location in the notes of title 54]

54 U.S.C. 300101(Note)
Executive Order 11593 — Protection and Enhancement of the Cultural Environment

Executive Order 11593. Protection and Enhancement of the Cultural Environment—

Ex. Ord. No. 11593, May 13, 1971, 36 F.R. 8921, provided:

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 et seq.), the National Historic Preservation Act of 1966 (80 Stat. 915, [former] 16 U.S.C. 470 et seq.) [see 54 U.S.C. 300101 et seq.], the Historic Sites Act of 1935 (49 Stat. 666, [former] 16 U.S.C. 461 et seq.) [see 18 U.S.C. 1866(a), 54 U.S.C. 102303, 102304, 320101 et seq.], and the Antiquities Act of 1906 (34 Stat. 225, 16 [former] U.S.C. 431 et seq.) [see 18 U.S.C. 1866(b), 54 U.S.C. 320301(a) to (c), 320302, 320303], it is ordered as follows:

SECTION 1. *Policy*. The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people, and (3), in consulta-

tion with the Advisory Council on Historic Preservation ([former] 16 U.S.C. 470i [see 54 U.S.C. 304101]), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

SEC. 2. *Responsibilities of Federal agencies*. Consonant with the provisions of the acts cited in the first paragraph of this order, the heads of Federal agencies shall:

(a) no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

(b) exercise caution during the interim period until inventories and evaluations required by subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places. The Secretary shall consult with the liaison officer for historic preservation for the State or territory involved in arriving at his opinion. Where, after a reasonable period in which to review and evaluate the property, the Secretary determines that the property is likely to meet the criteria prescribed for listing on the National Register of Historic Places, the Federal agency head shall reconsider the proposal in light of national environmental and preservation policy. Where, after such reconsideration, the Federal agency head proposes to transfer, sell, demolish or substantially alter the property he shall not act with respect to the property until the Advisory Council on Historic Preservation shall have been provided an opportunity to comment on the proposal.

(c) initiate measures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps, of the property, and that copy of such records then be deposited in the Library of Congress as part of the Historic American Buildings Survey or Historic American Engineering Record for future use and reference. Agencies may call on the Department of the Interior for advice and technical assistance in the completion of the above records.

(d) initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior.

(e) submit procedures required pursuant to subsection (d) to the Secretary of the Interior and to the Advisory Council on Historic Preservation no later than January 1, 1972, and annually thereafter, for review and comment.

(f) cooperate with purchasers and transferees of a property listed on the National Register of Historic Places in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

SEC. 3. *Responsibilities of the Secretary of the Interior*. The Secretary of the Interior shall:

(a) encourage State and local historic preservation officials to evaluate and survey federally owned historic properties and, where appropriate, to nominate such properties for listing on the National Register of Historic Places.

(b) develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by section 2(a). Such criteria and procedures shall be developed in consultation with the affected agencies.

(c) expedite action upon nominations to the National Register of Historic Places concerning federally owned properties proposed for sale, transfer, demolition or substantial alteration.

(d) encourage State and Territorial liaison officers for historic preservation to furnish information upon request to Federal agencies regarding their properties which have been evaluated with respect to historic, architectural or archaeological significance and which as a result of such evaluations have not been found suitable for listing on the National Register of Historic Places.

(e) develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties.

(f) advise Federal agencies in the evaluation, identification, preservation, improvement, restoration and maintenance of historic properties.

(g) review and evaluate the plans of transferees of surplus Federal properties transferred for historic monument purposes to assure that the historic character of such properties is preserved in rehabilitation, restoration, improvement, maintenance and repair of such properties.

(h) review and comment upon Federal agency procedures submitted pursuant to section 2(e) of this order.

[SIGNED] RICHARD NIXON

54 U.S.C. 302101 (Note)
Fees for Review Services for Tax Certification

Recovery of Fees for Review Services for Historic Preservation Tax Certification

Pub. L. 106–113, div. B, §1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A142, provided in part: "That notwithstanding any other provision of law, the National Park Service may hereafter recover all fees derived from providing necessary review services associated with historic preservation tax certification, and such funds shall be available until ex-

pended without further appropriation for the costs of such review services".

54 U.S.C. 302101 (Note)
Preservation of Historically Black Colleges and Universities

Historically Black Colleges and Universities Historic Building Restoration and Preservation

Pub. L. 104–333, div. I, title V, §507, Nov. 12, 1996, 110 Stat. 4156, as amended by Pub. L. 108–7, div. F, title I, §150, Feb. 20, 2003, 117 Stat. 245, provided that:

(a) Authority to Make Grants—From the amounts made available to carry out the National Historic Preservation Act [see 54 U.S.C. 300101 et seq.], the Secretary of the Interior shall make grants in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campus of these institutions.

(b) Grant Conditions—Grants made under subsection (a) shall be subject to the condition that the grantee covenants, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) Matching Requirement for Buildings and Structures Listed on the National Register of Historic Places.—

(1) In General.—Except as provided by paragraphs (2) and (3), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places only if the grantee agrees to match, from funds derived from nonfederal sources, the amount of the grant with an amount that is equal or greater than the grant.

(2) WAIVER—The Secretary may waive paragraphs (1) and (3) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

(3) EXCEPTION—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.

(d) FUNDING PROVISION—

(1) IN GENERAL—Under section 108 of the National Historic Preservation Act [see 54 U.S.C. 303101 to 303103], $29,000,000 shall be made available to carry out the purposes of this section. Of amounts made available pursuant to this section, $5,000,000 shall be available for grants to Fisk University, $2,500,000 shall be available for grants to Knoxville College, $2,000,000 shall be available for grants to Miles College, Alabama, $1,500,000 shall be available for grants to Talladega College, Alabama, $1,550,000 shall be available for grants to Selma University, Alabama, $250,000 shall be available for grants to Stillman College, Alabama, $200,000 shall be available for grants to Concordia College, Alabama, $2,900,000 shall be available for grants to Allen University, South Carolina, $1,000,000 shall be available for grants to Claflin College, South Carolina, $2,000,000 shall be available for grants to Voorhees College, South Carolina, $1,000,000 shall be available for grants to Rust College, Mississippi, and $3,000,000 shall be available for grants to Tougaloo College, Mississippi.

(2) ADDITIONAL FUNDING—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section $10,000,000 for each of fiscal years 2003 through 2008.

(e) Regulations—The Secretary shall develop such guidelines as may be necessary to carry out this section.

(f) Definitions—For the purposes of this section:

(1) Historically Black Colleges—The term 'historically black colleges and universities' has the same meaning given the term 'part B institution' by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) Historic Building and Structures—The term 'historic building and structures' means a building or structure listed on, or eligible for listing on, the National Register of Historic Places or designated a National Historic Landmark.

54 U.S.C. 302101 (Note)
Recommendations of Historic Properties for Preservation

Recommendations of Historic Properties for Preservation

Pub. L. 102–575, title XL, §4021, Oct. 30, 1992, 106 Stat. 4765, provided that: "The Secretary of the Interior, in consultation with the Advisory Council, shall seek to ensure that historic properties preserved under the National Historic Preservation Act [54 U.S.C. 300101 *et seq*.] fully reflect the historical experience of this nation."

54 U.S.C. 306101 (Note)
Executive Order 13287 – Preserve America

Executive Order 13287. Preserve America

Ex. Ord. No. 13287, Mar. 3, 2003, 68 F.R. 10635, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act ([former] 16 U.S.C. 470 et seq.) [see 54 U.S.C. 300301 *et seq*.] (NHPA) and the National Environmental Policy Act [of 1969] (42 U.S.C. 4321 et seq.), it is hereby ordered:

SECTION 1. *Statement of Policy*. It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall rec-

ognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic wellbeing of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values. Where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, executive branch departments and agencies ("agency" or "agencies") shall advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with State and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation and to realize the economic benefit that these properties can provide. Agencies shall maximize efforts to integrate the policies, procedures, and practices of the NHPA and this order into their program activities in order to efficiently and effectively advance historic preservation objectives in the pursuit of their missions.

SEC. 2. *Building Preservation Partnerships*. When carrying out its mission activities, each agency, where consistent with its mission and governing authorities, and where appropriate, shall seek partnerships with State and local governments, Indian tribes, and the private sector to promote local economic development and vitality through the use of historic properties in a manner that contributes to the long term preservation and productive use of those properties. Each agency shall examine its policies, procedures, and capabilities to ensure that its actions encourage, support, and foster publicprivate initiatives and investment in the use, reuse, and rehabilitation of historic properties, to the extent such support is not inconsistent with other provisions of law, the Secretary of the Interior's Standards for Archeology and Historic Preservation, and essential national department and agency mission requirements.

SEC. 3. *Improving Federal Agency Planning and Accountability*. (a) Accurate information on the state of Federally owned historic properties is essential to achieving the goals

of this order and to promoting community economic development through local partnerships. Each agency with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties required by section 110(a)(2) of the NHPA ([former] 16 U.S.C. 470h–2(a)(2)) [see 54 U.S.C. 306102], the general condition and management needs of such properties, and the steps underway or planned to meet those management needs. The assessment shall also include an evaluation of the suitability of the agency's types of historic properties to contribute to community economic development initiatives, including heritage tourism, taking into account agency mission needs, public access considerations, and the long-term preservation of the historic properties. No later than September 30, 2004, each covered agency shall complete a report of the assessment and make it available to the Chairman of the Advisory Council on Historic Preservation (Council) and the Secretary of the Interior (Secretary).

(b) No later than September 30, 2004, each agency with real property management responsibilities shall review its regulations, management policies, and operating procedures for compliance with sections 110 and 111 of the NHPA [former] (16 U.S.C. 470h–2 & 470[h]–3 [see 54 U.S.C. 306101 to 306107, 306109 to 306114, 306121, 306122]) and make the results of its review available to the Council and the Secretary. If the agency determines that its regulations, management policies, and operating procedures are not in compliance with those authorities, the agency shall make amendments or revisions to bring them into compliance.

(c) Each agency with real property management responsibilities shall, by September 30, 2005, and every third year thereafter, prepare a report on its progress in identifying, protecting, and using historic properties in its ownership and make the report available to the Council and the Secretary. The Council shall incorporate this data into a report on the state of the Federal Government's historic properties and their contribution to local economic development and submit this report to the President by February 15, 2006, and every third year thereafter.

(d) Agencies may use existing information gathering and reporting systems to fulfill the assessment and reporting requirements of subsections 3(a)–(c) of this order. To assist agencies, the Council, in consultation with the Secretary, shall, by September 30, 2003, prepare advisory guidelines for agencies to use at their discretion.

(e) No later than June 30, 2003, the head of each agency shall designate a senior policy level official to have policy oversight responsibility for the agency's historic preservation program and notify the Council and the Secretary of the designation. This senior official shall be an assistant secretary, deputy assistant secretary, or the equivalent, as appropriate to the agency organization. This official, or a subordinate employee reporting directly to the official, shall serve as the agency's Federal Preservation Officer in accordance with section 110(c) of the NHPA [see 54 U.S.C. 306104]. The senior official shall ensure that the Federal Preservation Officer is qualified consistent with guidelines established by the Secretary for that position and has access to adequate expertise and support to carry out the duties of the position.

SEC. 4. *Improving Federal Stewardship of Historic Properties*. (a) Each agency shall ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets and, where consistent with agency missions, governing law, and the nature of the properties, contributes to the local community and its economy.

(b) Where consistent with agency missions and the Secretary of the Interior's Standards for Archeology and Historic Preservation, and where appropriate, agencies shall cooperate with communities to increase opportunities for public benefit from, and access to, federally owned historic properties.

(c) The Council is directed to use its existing authority to encourage and accept donations of money, equipment, and other resources from public and private parties to assist other agencies in the preservation of historic properties in Federal ownership to fulfill the goals of the NHPA and this order.

(d) The National Park Service, working with the Council and in consultation with other agencies, shall make available existing materials and information for education, training, and awareness of historic property stewardship to ensure that all Federal personnel have access to information and can develop the skills necessary to continue the productive use of Federally owned historic properties while meeting their stewardship responsibilities.

(e) The Council, in consultation with the National Park Service and other agencies, shall encourage and recognize exceptional achievement by such agencies in meeting the goals of the NHPA and this order. By March 31, 2004, the Council shall submit to the President and the heads of agencies recommendations to further stimulate initiative, creativity, and efficiency in the Federal stewardship of historic properties.

SEC. 5. *Promoting Preservation Through Heritage Tourism*.

(a) To the extent permitted by law and within existing resources, the Secretary of Commerce, working with the Council and other agencies, shall assist States, Indian tribes, and local communities in promoting the use of historic properties for heritage tourism and related economic development in a manner that contributes to the long-term preservation and productive use of those properties. Such assistance shall include efforts to strengthen and improve heritage tourism activities throughout the country as they relate to Federally owned historic properties and significant natural assets on Federal lands.

(b) Where consistent with agency missions and governing law, and where appropriate, agencies shall use historic properties in their ownership in conjunction with State, tribal, and local tourism programs to foster viable economic partnerships, including, but not limited to, cooperation and coordination with tourism officials and others with interests in the properties.

SEC. 6. *National and Homeland Security Considerations*.

Nothing in this order shall be construed to require any agency to take any action or disclose any information that

would conflict with or compromise national and homeland security goals, policies, programs, or activities.

SEC. 7. *Definitions*. For the purposes of this order, the term "historic property" means any prehistoric or historic district, site, building, structure, and object included on or eligible for inclusion on the National Register of Historic Places in accordance with section 301(5) of the NHPA ([former] 16 U.S.C. 470w (5)) [see 54 U.S.C. 300308]. The term "heritage tourism" means the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape (including trail systems), and culture. The terms "Federally owned" and "in Federal ownership," and similar terms, as used in this order, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than 5 years.

SEC. 8. *Judicial Review*. This order is intended only to improve the internal management of the Federal Government and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

[SIGNED] GEORGE W. BUSH.

54 U.S.C. 306121 (Note)
Historic Lease Process Simplification

Historic Lease Process Simplification

Pub. L. 105–391, title VIII, §802(b), Nov. 13, 1998, 112 Stat. 3523, provided that: "The Secretary is directed to simplify, to the maximum extent possible, the leasing process for historic properties with the goal of leasing available structures in a timely manner."

Pictured: Saxman Totem Park, located near Ketchikan, Alaska, was listed in the National Register of Historic Places in 1979. Protecting and documenting Native American cultural heritage is a vital component of historic preservation in the United States. Photograph courtesy of the Historic American Buildings Survey.

Department of Transportation Act

SECTION 4F, HISTORIC SITES

This section of the Department of Transportation Act became law on October 15, 1966 (Public Law 89-670, 49 U.S.C. 303). It was amended in 2015 to add several subsections. This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the law as the "Act" rather than to the "subchapter" or the "title" of the Code.

49 U.S.C. 303
Policy on lands, wildlife, and water-fowl refuges and historic sites

Section 4f

(a) It is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

(b) The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities.

(c) Approval of Programs and Projects— Subject to subsections (d) and (h) The Secretary may approve a transportation program or project (other than any project for a park road or parkway under section 204 of title 23) [of the United States Code, "Federal Lands Highways Program"] requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if—

(1) there is no prudent and feasible alternative to using that land; and

(2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

(d) De Minimis Impacts—

(1) Requirements—

(A) Requirements For Historic Sites— The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

(B) Requirements for Parks, Recreation Areas, and Wildlife or Waterfowl Refuges—The requirements of subsection (c)(1) shall be considered to be satisfied with respect to an area described in paragraph (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area. The requirements of subsection (c)(2) with respect to an area described in paragraph (3) shall not include an alternatives analysis.

(C) Criteria— In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

(2) Historic Sites— With respect to historic sites, the Secretary may make a finding of de minimis impact only if-

(A) the Secretary has determined, in accordance with the consultation process required under section 306108 of title 54, United States Code, [sic] that-

(i) the transportation program or project will have no adverse effect on the historic site; or

(ii) there will be no historic properties affected by the transportation program or project;

(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

(3) Parks, Recreation Areas, and Wildlife or Waterfowl Refuges— With respect to parks, recreation areas, or wildlife or waterfowl refuges, the Secretary may make a finding of de minimis impact only if-

(A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.

(e) Satisfaction of Requirements for Certain Historic Sites—

(1) In general— The Secretary shall-

(A) align, to the maximum extent practicable, the requirements of this section with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 306108 of title 54, including implementing regulations; and

(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the "Council") to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

(2) Avoidance Alternative Analysis—

(A) In general— If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary determines that there is no

feasible or prudent alternative to avoid use of a historic site, the Secretary may-

(i) include the determination of the Secretary in the analysis required under that Act;

(ii) provide a notice of the determination to-

(I) each applicable State historic preservation officer and tribal historic preservation officer;

(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

(III) the Secretary of the Interior; and

(iii) request from the applicable preservation officer, the Council, and the Secretary of the Interior a concurrence that the determination is sufficient to satisfy subsection (c)(1).

(B) Concurrence— If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (c)(1) shall be required.

(C) Publication— A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall-

(i) be included in the record of decision or finding of no significant impact of the Secretary; and

(ii) be posted on an appropriate Federal website by not later than 3 days after the date of receipt by the Secretary of all concurrences requested under subparagraph (A)(iii).

(3) Aligning Historical Reviews—

(A) In general— If the Secretary, the applicable preservation officer, the Council, and the Secretary of the

Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy subsection (c)(2) through the consultation requirements of section 306108 of title 54.

(B) Satisfaction of Conditions— To satisfy subsection (c)(2), the applicable preservation officer, the Council, and the Secretary of the Interior shall concur in the treatment of the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.

(f) References to Past Transportation Environmental Authorities—

(1) Section 4(F) Requirements— The requirements of this section are commonly referred to as section 4(f) requirements (see section 4(f) of the Department of Transportation Act (Public Law 89–670; 80 Stat. 934) as in effect before the repeal of that section).

(2) Section 106 Requirements— The requirements of section 306108 of title 54 are commonly referred to as section 106 requirements (see section 106 of the National Historic Preservation Act of 1966 (Public Law 89–665; 80 Stat. 917) as in effect before the repeal of that section).

(g) Bridge Exemption from Consideration— A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54 shall be exempt from consideration under this section.

(h) Rail and Transit—

(1) In general— Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements thereof that are in use or were historically used for the transportation of goods or passengers shall not be considered a use of a historic site under subsection

(c), regardless of whether the railroad or rail transit line or element thereof is listed on, or eligible for listing on, the National Register of Historic Places.

(2) Exceptions—

(A) In general— Paragraph (1) shall not apply to-

(i) stations; or

(ii) bridges or tunnels located on-

(I) railroad lines that have been abandoned; or

(II) transit lines that are not in use.

(B) Clarification with Respect to Certain Bridges and Tunnels— The bridges and tunnels referred to in subparagraph (A)(ii) do not include bridges or tunnels located on railroad or transit lines-

(i) over which service has been discontinued; or

(ii) that have been railbanked or otherwise reserved for the transportation of goods or passengers.

National Environmental Policy Act

SELECTIONS: PURPOSE, POLICY, AND INTERAGENCY COOPERATION

This Act became law on January 1, 1970 (Public Law 91-190, 42 U.S.C. 4321 and 4331-4335) and has been amended once. This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the law as the "Act" rather than to the "subchapter" or the "title" of the Code.

42 U.S.C. 4321
Congressional declaration of purpose

Section 2

The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

42 U.S.C. 4331
Congressional Declaration of Policy

Section 101

(a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation of the environment.

42 U.S.C. 4332
Cooperation of agencies, environmental impact statements, international and national coordination of efforts

Section 102

The Congress authorizes and directs that, to the fullest extent possible:

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and

(2) all agencies of the Federal government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by Section 202 of this Act [42 U.S.C. 4341-4347], which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law of special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5 [of the United States Code], and shall accompany the proposal through the existing agency review processes;

[Remainder of Section 102(D) omitted]

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(G) makes available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(H) initiate and utilize ecological information in the planning and development of resource-oriented projects;

[Remainder of paragraph omitted]

42 U.S.C. 4333-4334
Omitted

Section 103

[42 U.S.C. 4333, Conformity of administrative procedures to national environmental policy, omitted]

Section 104

[42 U.S.C. 4334, Other statutory obligations of agencies, omitted]

42 U.S.C. 4335
Efforts supplemental to existing authorizations

Section 105

The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

[Remainder of Act omitted]

National Marine Sanctuaries Act

SELECTIONS: DESIGNATION, RESEARCH, AND LIMITATIONS

This Act became law on October 23, 1972 (Public Law 92-532, 16 U.S.C. 1431-1445) and has been amended 15 times. This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the law as the "Act" rather than to the "subchapter" or the "title" of the Code.

16 U.S.C. 1431
Findings, purposes, and policies; Establishment of system

Section 301

(a) The Congress finds that—

(1) this Nation historically has recognized the importance of protecting special areas of its public domain, but these efforts have been directed almost exclusively to land areas above the high-water mark;

(2) certain areas of the marine environment possess conservation, recreational, ecological, historical, scientific, educational, cultural, archeological, or esthetic qualities which give them special national, and in some cases international, significance;

(3) while the need to control the effects of particular activities has led to enactment of resource-specific legislation, these laws cannot in all cases provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment; and

(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities as national marine sanctuaries managed as the National Marine Sanctuary System will—

(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

(B) enhance public awareness, understanding, and appreciation of the marine environment; and

(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas.

(b) The purposes and policies of this Act are—

(1) to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System;

(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;

(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;

(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;

(6) to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;

(7) to develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;

(8) to create models of, and incentives for, ways to conserve and manage these areas, including the application of innovative management techniques; and

(9) to cooperate with global programs encouraging conservation of marine resources.

(c) There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this Act.

16 U.S.C. 1432
Definitions

Section 302

As used in this Act, the term—

(1) "draft management plan" means the plan described in section 304(a)(1)(C)(v) of this Act [16 U.S.C. 1434(a)(1)(C)(v)];

(2) "Magnuson-Stevens Act" means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(3) "marine environment" means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, including the exclusive economic zone, consistent with international law;

(4) "Secretary" means the Secretary of Commerce;

(5) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States;

(6) "damage" includes—

(A) compensation for—

(i)(I) the cost of replacing, restoring, or acquiring the equivalent of a sanctuary resource; and

(II) the value of the lost use of a sanctuary resource pending its restoration or replacement or the acquisition of an equivalent sanctuary resource; or

(ii) the value of a sanctuary resource if the sanctuary resource cannot be restored or replaced or if the equivalent of such resource cannot be acquired;

(B) the cost of damage assessments under section 303(b)(2) of this Act [16 U.S.C. 1433(b)(2)];

(C) the reasonable cost of monitoring appropriate to [sic] the injured, restored, or replaced resources;

(D) the cost of curation and conservation of archeological, historical, and cultural sanctuary resources; and

(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;

(7) "response costs" means the costs of actions taken or authorized by the Secretary to minimize destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risks of such destruction, loss, or injury, including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 303 of this Act [16 U.S.C. 1443];

(8) "sanctuary resource" means any living or nonliving resource of a national marine sanctuary that contributes to the conservation, recreational, ecological, historical, educational, cultural, archeological, scientific, or aesthetic value of the sanctuary; and

(9) "exclusive economic zone" means the exclusive economic zone as defined in the Magnuson-Stevens Act; and

(10) "System" means the National Marine Sanctuary System established by section 301 of this Act [16 U.S.C. 1431].

16 U.S.C. 1433
Sanctuary designation standards

Section 303

(a) The Secretary may designate any discrete area of the marine environment as a national marine sanctuary and promulgate regulations implementing the designation if the Secretary determines that—

(1) the designation will fulfill the purposes and policies of this Act;

(2) the area is of special national significance due to—

(A) its conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or esthetic qualities;

(B) the communities of living marine resources it harbors; or

(C) its resource or human-use values;

(3) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

(4) designation of the area as a national marine sanctuary will facilitate the objectives stated in paragraph (3); and

(5) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.

(b)(1) For purposes of determining if an area of the marine environment meets the standards set forth in subsection (a) of this section, the Secretary shall consider—

(A) the area's natural resource and ecological qualities, including its contribution to biological productivity, maintenance of ecosystem structure, maintenance of ecologically or commercially important or threatened species or species assemblages, maintenance of critical habitat of endangered species, and the biogeographic representation of the site;

(B) the area's historical, cultural, archaeological, or paleontological significance;

(C) the present and potential uses of the area that depend on maintenance of the area's resources, including

commercial and recreational fishing, subsistence uses, other commercial and recreational activities, and research and education;

(D) the present and potential activities that may adversely affect the factors identified in subparagraphs (A), (B), and (C);

(E) the existing State and Federal regulatory and management authorities applicable to the area and the adequacy of those authorities to fulfill the purposes and policies of this Act;

(F) the manageability of the area, including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities;

(G) the public benefits to be derived from sanctuary status, with emphasis on the benefits of long-term protection of nationally significant resources, vital habitats, and resources which generate tourism;

(H) the negative impacts produced by management restrictions on income-generating activities such as living and nonliving resources development;

(I) the socioeconomic effects of sanctuary designation;

(J) the area's scientific value and value for monitoring the resources and natural processes that occur there;

(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

(L) the value of the area as an addition to the System.

(2) In making determinations and findings, the Secretary shall consult with—

(A) the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Secretaries of State, Defense, Transportation, and the Interior, the Administrator, and the heads of other interested Federal agencies;

(C) the responsible officials or relevant agency heads of the appropriate State and local government entities, including coastal zone management agencies, that will or are likely to be affected by the establishment of the area as a national marine sanctuary;

(D) the appropriate officials of any Regional Fishery Management Council established by section 302 of the Magnuson-Stevens Act (16 U.S.C. 1852) that may be affected by the proposed designation; and

(E) other interested persons.

16 U.S.C. 1434
Procedures for designation and implementation

Section 304

[Section 304(a)(1), Notice, omitted]

(a)(2) The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) A resource assessment that documents—

(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary. Public disclosure by the Secretary of such information shall be consistent with national security regulations.

(C) A draft management plan for the proposed national marine sanctuary that includes the following:

(i) The terms of the proposed designation.

(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

(vi) The proposed regulations referred to in paragraph (1)(A).

(D) Maps depicting the boundaries of the proposed sanctuary.

(E) The basis for the determinations made under section 303(a) of this Act [16 U.S.C. 1433(a)] with respect to the area.

(F) An assessment of the considerations under section 303(b)(1) of this Act [16 U.S.C. 1433(b)(1)].

[Section 304(a)(3), Public hearing, omitted]

(4) The terms of designation of a sanctuary shall include the geographic area proposed to be included within the sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value, and the types of activities that will be subject to regulation by the Secretary to protect those characteristics. The terms of designation may be modified only by the same procedures by which the original designation is made.

[Remainder of paragraph and Subsection 304(b) omitted]

(c)(1) Nothing in this Act shall be construed as terminating or granting to the Secretary the right to terminate any valid lease, permit, license, or right of subsistence use or of access that is in existence on the date of designation of any national marine sanctuary.

(2) The exercise of a lease, permit, license, or right is subject to regulation by the Secretary consistent with the purposes for which the sanctuary is designated.

(d)(1)(A) Federal agency actions internal or external to a national marine sanctuary, including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource are subject to consultation with the Secretary.

(B) Subject to any regulations the Secretary may establish each Federal agency proposing an action described in subparagraph (A) shall provide the Secretary with a written statement describing the action and its potential

effects on sanctuary resources at the earliest practicable time, but in no case later than 45 days before the final approval of the action unless such Federal agency and the Secretary agree to a different schedule.

(2) If the Secretary finds that a Federal agency action is likely to destroy, cause the loss of, or injure a sanctuary resource, the Secretary shall (within 45 days of receipt of complete information on the proposed agency action) recommend reasonable and prudent alternatives, which may include conduct of the action elsewhere, which can be taken by the Federal agency in implementing the agency action that will protect sanctuary resources.

(3) The agency head who receives the Secretary's recommended alternatives under paragraph (2) shall promptly consult with the Secretary on the alternatives. If the agency head decides not to follow the alternatives, the agency head shall provide the Secretary with a written statement explaining the reasons for that decision.

(4) If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction of, loss of, or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.

(e) Not more than five years after the date of designation of any national marine sanctuary, and thereafter at intervals not exceeding five years, the Secretary shall evaluate the substantive progress toward implementing the management plan and goals for the sanctuary, especially the effectiveness of site-specific management techniques and strategies, and shall revise the management plan and regulations as necessary to fulfill the purposes and policies of this Act. This review shall include a prioritization of management objectives.

(f)(1) The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing

to designate a new sanctuary, unless the Secretary has published a finding that—

(A) the addition of a new sanctuary will not have a negative impact on the System; and

(B) sufficient resources were available in the fiscal year in which the finding is made to—

(i) effectively implement sanctuary management plans for each sanctuary in the System; and

(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

(2) If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of subparagraphs (A) and (B) of paragraph (1) have been met by all existing sanctuaries.

(3) Paragraph (1) does not apply to any sanctuary designation documents for—

(A) a Thunder Bay National Marine Sanctuary; or

(B) a Northwestern Hawaiian Islands National Marine Sanctuary.

[Section 305 (16 U.S.C. 1435), Application of regulations, international negotiations, and cooperation, omitted]

16 U.S.C. 1436
Prohibited activities

Section 306

It is unlawful for any person to—

(1) destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary;

(2) possess, sell, offer for sale, purchase, import, export, deliver, carry, transport, or ship by any means any sanctuary resource taken in violation of this section;

(3) interfere with the enforcement of this Act by—

(A) refusing to permit any officer authorized to enforce this Act to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this Act;

(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this Act or any such authorized officer in the conduct of any search or inspection performed under this Act; or

(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this Act in connection with any search or inspection conducted under this Act; or

(4) violate any provision of this Act or any regulation or permit issued pursuant to this Act.

[Sections 307 and 308 omitted]

16 U.S.C. 1440
Research, monitoring, and education

Section 309

(a) The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs consistent with subsections (b) and (c) of this section and the purposes and policies of this Act.

(b)(1) The Secretary may—

(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archeological, and historical resources of national marine sanctuaries.

(2) The results of research and monitoring conducted, supported, or permitted by the Secretary under this subsection shall be made available to the public.

(c)(1) The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

(2) Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

(d)(1) The Secretary may develop interpretive facilities near any national marine sanctuary.

(2) Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

(e) In conducting, supporting, and coordinating research, monitoring, evaluation, and education programs under subsection (a) and developing interpretive facilities under subsection (d) the Secretary may consult or coordinate with Federal, interstate, or regional agencies, States or local governments.

16 U.S.C. 1441
Special use permits

Section 310

(a) The Secretary may issue special use permits which authorize the conduct of specific activities in a national marine sanctuary if the Secretary determines such authorization is necessary—

(1) to establish conditions of access to and use of any sanctuary resource; or

(2) to promote public use and understanding of a sanctuary resource.

(b) The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a) of this section.

(c) A permit issued under this section—

(1) shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources;

(2) shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretary;

(3) shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and

(4) shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims.

[Section 310(d), Fees, omitted]

(e) Upon violation of a term or condition of a permit issued under this section, the Secretary may—

(1) suspend or revoke the permit without compensation to the permittee and without liability to the United States;

(2) assess a civil penalty in accordance with section 307 of this Act [16 U.S.C. 1437]; or

(3) both.

(f) Each person issued a permit under this section shall submit an annual report to the Secretary not later than December 31 of each year which describes activities conducted under that permit and revenues derived from such activities during the year.

[Remainder of section and the remaining sections of this Act omitted]

Coastal Zone Management Act

SELECTIONS: POLICY AND GRANTS

This Act became law on October 27, 1972 (Public Law 92-583, 16 U.S.C. 1451-1456) and has been amended eight times. This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the law as the "Act" rather than to the "subchapter" or the "title" of the Code.

16 U.S.C. 1451
Congressional findings

Section 302

The Congress finds that—

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone.

(b) The coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation.

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion.

(d) The habitat areas of the coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the wellbeing of all citizens are being irretrievably damaged or lost.

(f) New and expanding demands for food, energy, minerals, defense needs, recreation, waste disposal, transportation, and industrial activities in the Great Lakes, territorial sea,

exclusive economic zone, and Outer Continental Shelf are placing stress on these areas and are creating the need for resolution of serious conflicts among important and competing uses and values in coastal and ocean waters.

(g) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values.

(h) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate.

(i) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

(j) The national objective of attaining a greater degree of energy self-sufficiency would be advanced by providing Federal financial assistance to meet state and local needs resulting from new or expanded energy activity in or affecting the coastal zone.

(k) Land uses in the coastal zone, and the uses of adjacent lands which drain into the coastal zone, may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from land use activities must be improved.

(l) Because global warming may result in a substantial sea level rise with serious adverse effects in the coastal zone, coastal states must anticipate and plan for such an occurrence.

(m) Because of their proximity to and reliance upon the ocean and its resources, the coastal states have substantial and significant interests in the protection, management, and development of the resources of the exclusive economic zone that can only be served by the active participation of coastal states in all Federal programs affecting such resources and, wherever appropriate, by the development of state ocean resource plans as part of their federally approved coastal zone management programs.

16 U.S.C. 1452
Congressional declaration of policy

Section 303

The Congress finds and declares that it is the national policy—

(1) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations;

(2) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development, which programs should at least provide for—

(A) the protection of natural resources, including wetlands, floodplains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat, within the coastal zone,

(B) the management of coastal development to minimize the loss of life and property caused by improper development in flood-prone, storm surge, geological hazard, and erosion-prone areas and in areas likely to be affected by or vulnerable to sea level rise, land subsidence, and saltwater intrusion, and by the destruction of natural protective features such as beaches, dunes, wetlands, and barrier islands,

(C) the management of coastal development to improve, safeguard, and restore the quality of coastal waters, and to protect natural resources and existing uses of those waters,

(D) priority consideration being given to coastal dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists,

(E) public access to the coasts for recreation purposes,

(F) assistance in the redevelopment of deteriorating urban waterfronts and ports, and sensitive preservation and restoration of historic, cultural, and esthetic coastal features,

(G) the coordination and simplification of procedures in order to ensure expedited governmental decisionmaking for the management of coastal resources,

(H) continued consultation and coordination with, and the giving of adequate consideration to the views of, affected Federal agencies,

(I) the giving of timely and effective notification of, and opportunities for public and local government participation in, coastal management decisionmaking,

(J) assistance to support comprehensive planning, conservation, and management for living marine resources, including planning for the siting of pollution control and aquaculture facilities within the coastal zone, and improved coordination between State and Federal coastal zone management agencies and State and [sic; Federal?] wildlife agencies, and

(K) the study and development, in any case in which the Secretary considers it to be appropriate, of plans for

addressing the adverse effects upon the coastal zone of land subsidence and of sea level rise; and

(3) to encourage the preparation of special area management plans which provide for increased specificity in protecting significant natural resources, reasonable coastal dependent economic growth, improved protection of life and property in hazardous areas, including those areas likely to be affected by land subsidence, sea level rise, or fluctuating water levels of the Great Lakes, and improved predictability in governmental decisionmaking;

(4) to encourage the participation and cooperation of the public, state [sic] and local governments, and interstate and other regional agencies, as well as of the Federal agencies having programs affecting the coastal zone, in carrying out the purposes of this Act;

(5) to encourage coordination and cooperation with and among the appropriate Federal, State, and local agencies, and international organizations where appropriate, in collection, analysis, synthesis, and dissemination of coastal management information, research results, and technical assistance, to support State and Federal regulation of land use practices affecting the coastal and ocean resources of the United States; and

(6) to respond to changing circumstances affecting the coastal environment and coastal resource management by encouraging States to consider such issues as ocean uses potentially affecting the coastal zone.

16 U.S.C. 1453
Definitions

Section 304

For purposes of this Act—

(1) The term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends,

in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of State title and ownership under the Submerged Lands Act (43 U.S.C. 1301 et seq.), the Puerto Rican Federal Relations Act (the Act of March 2, 1917, 48 U.S.C. 749) [48 U.S.C. 731 et seq.], the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as approved by the Act of March 24, 1976 [48 U.S.C. 1801 et seq.], or section 1 of the Act of November 20, 1963 [submerged lands, Guam, Virgin Island, and American Samoa] (48 U.S.C. 1705), as applicable. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

[Definitions (2) through (15) omitted]

(16) The term "Secretary" means the Secretary of Commerce.

[Remainder of Section 304 omitted]

16 U.S.C. 1454
Submittal of State program for approval

Section 305

Any coastal state which has completed the development of its management program shall submit such program to the Secretary for review and approval pursuant to section 306 of this Act [16 U.S.C. 1455].

16 U.S.C. 1455
Administrative grants

Section 306

[Subsections 306(a), (b), and (c) omitted]

(d) Before approving a management program submitted by a coastal state, the Secretary shall find the following:

(1) The State has developed and adopted a management program for its coastal zone in accordance with rules and

regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties and individuals, public and private, which is adequate to carry out the purposes of this Act and is consistent with the policy declared in section 303 of this Act [16 U.S.C. 1452].

(2) The management program includes each of the following required program elements:

(A) An identification of the boundaries of the coastal zone subject to the management program.

(B) A definition of what shall constitute permissible land uses and water uses within the coastal zone which have a direct and significant impact on the coastal waters.

(C) An inventory and designation of areas of particular concern within the coastal zone.

(D) An identification of the means by which the State proposes to exert control over the land uses and water uses referred to in subparagraph (B), including a list of relevant State constitutional provisions, laws, regulations, and judicial decisions.

(E) Broad guidelines on priorities of uses in particular areas, including specifically those uses of lowest priority.

(F) A description of the organizational structure proposed to implement such management program, including the responsibilities and interrelationships of local, areawide, State, regional, and interstate agencies in the management process.

(G) A definition of the term "beach" and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmen-

tal, recreational, historical, esthetic, ecological, or cultural value.

(H) A planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including a process for anticipating the management of the impacts resulting from such facilities.

(I) A planning process for assessing the effects of, and studying and evaluating ways to control, or lessen the impact of, shoreline erosion, and to restore areas adversely affected by such erosion.

(3) The State has—

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone—

(i) existing on January 1 of the year in which the State's management program is submitted to the Secretary; and

(ii) which have been developed by a local government, an areawide agency, a regional agency, or an interstate agency; and

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (6) and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of those local governments and agencies in carrying out the purposes of this Act; except that the Secretary shall not find any mechanism to be effective for purposes of this subparagraph unless it requires that—

(i) the management agency, before implementing any management program decision which would conflict with any local zoning ordinance, decision, or other action, shall send a notice of the management pro-

gram decision to any local government whose zoning authority is affected;

(ii) within the 30-day period commencing on the date of receipt of that notice, the local government may submit to the management agency written comments on the management program decision, and any recommendation for alternatives; and

(iii) the management agency, if any comments are submitted to it within the 30-day period by any local government—

(I) shall consider the comments;

(II) may, in its discretion, hold a public hearing on the comments; and

(III) may not take any action within the 30-day period to implement the management program decision.

(4) The State has held public hearings in the development of the management program.

(5) The management program and any changes thereto have been reviewed and approved by the Governor of the State.

(6) The Governor of the State has designated a single State agency to receive and administer grants for implementing the management program.

(7) The State is organized to implement the management program.

(8) The management program provides for adequate consideration of the national interest involved in planning for, and managing the coastal zone, including the siting of facilities such as energy facilities which are of greater than local significance. In the case of energy facilities, the Secretary shall find that the State has given consideration to any applicable national or interstate energy plan or program.

(9) The management program includes procedures where by specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, historical, or esthetic values.

(10) The State, acting through its chosen agency or agencies (including local governments, areawide agencies, regional agencies, or interstate agencies) has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

(A) to administer land use and water use regulations to control development, to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(B) to acquire fee simple and less than fee simple interests in land, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(11) The management program provides for any one or a combination of the following general techniques for control of land uses and water uses within the coastal zone:

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement.

(B) Direct State land and water use planning and regulation.

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(12) The management program contains a method of assuring that local land use and water use regulations within the coastal zone do not unreasonably restrict or exclude land uses and water uses of regional benefit.

(13) The management program provides for—

(A) the inventory and designation of areas that contain one or more coastal resources of national significance; and

(B) specific and enforceable standards to protect such resources.

(14) The management program provides for public participation in permitting processes, consistency determinations, and other similar decisions.

(15) The management program provides a mechanism to ensure that all State agencies will adhere to the program.

(16) The management program contains enforceable policies and mechanisms to implement the applicable requirements of the Coastal Nonpoint Pollution Control Program of the State required by section 306(b) of this Act [16 U.S.C. 1455(b)].

[Section 306(e), Amendment or modification of State management program for coastal zone, omitted]

16 U.S.C. 1456
Coordination and cooperation of Federal Agencies

Section 307

(a) In carrying out his functions and responsibilities under this Act, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 of this Act [16 U.S.C. 1455] unless the views of Federal agencies principally affected by such program have been adequately considered.

(c)(1)(A) Each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs. A Federal agency activity shall be subject to this paragraph unless it is subject to paragraph (2) or (3).

[Paragraph (c)(1)(B), Court decisions and Presidential exemptions from compliance, omitted]

> (C) Each Federal agency carrying out an activity subject to paragraph (1) shall provide a consistency determination to the relevant State agency designated under section 306(d)(6) of this Act [16 U.S.C. 1455(d)(6)] at the earliest practicable time, but in no case later than 90 days before final approval of the Federal activity unless both the Federal agency and the State agency agree to a different schedule.

[Paragraph (c)(2) omitted]

> (3)(A) After final approval by the Secretary of a state's management program, any applicant for required Federal license or permit to conduct an activity, in or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notifi-

cation within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this Act or is otherwise necessary in the interest of national security.

[Remainder of subsection (c) omitted]

(d) State and local governments submitting applications for Federal assistance under other Federal programs, in or outside of the coastal zone, affecting any land or water use of [sic; probably should be "or"] natural resource of the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of Title IV of the Intergovernmental Cooperation Act of 1968 as amended [31 U.S.C. 6506]. Federal agencies shall not approve proposed projects that are inconsistent with the enforceable policies of a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this Act or necessary in the interest of national security.

(e) Nothing in this Act shall be construed—

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal

Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

[Subsection (f) omitted]

(g) When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this Act [16 U.S.C. 1455], includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such program, shall obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program, with respect to that portion of the coastal zone management program affecting such inland areas.

[Remainder of Section 307 and all of Section 308 omitted]

16 U.S.C. 1456b
Coastal zone enhancement grants

Section 309

(a) For purposes of this section, the term "coastal zone enhancement objective" means any of the following objectives:

(1) Protection, restoration, or enhancement of the existing coastal wetlands base, or creation of new coastal wetlands.

(2) Preventing or significantly reducing threats to life and destruction of property by eliminating development and redevelopment in high-hazard areas, managing development in other hazard areas, and anticipating and manag-

ing the effects of potential sea level rise and Great Lakes level rise.

(3) Attaining increased opportunities for public access, taking into account current and future public access needs, to coastal areas of recreational, historical, aesthetic, ecological, or cultural value.

(4) Reducing marine debris entering the Nation's coastal and ocean environment by managing uses and activities that contribute to the entry of such debris.

(5) Development and adoption of procedures to assess, consider, and control cumulative and secondary impacts of coastal growth and development, including the collective effect on various individual uses or activities on coastal resources, such as coastal wetlands and fishery resources.

(6) Preparing and implementing special area management plans for important coastal areas.

(7) Planning for the use of ocean resources.

(8) Adoption of procedures and enforceable policies to help facilitate the siting of energy facilities and Government facilities and energy-related activities and Government activities which may be of greater than local significance.

(9) Adoption of procedures and policies to evaluate and facilitate the siting of public and private aquaculture facilities in the coastal zone, which will enable States to formulate, administer, and implement strategic plans for marine aquaculture.

(b)(1) Subject to the limitations and goals established in this section, the Secretary may make grants to coastal states to provide funding for development and submission for Federal approval of program changes that support attainment of one or more coastal zone enhancement objectives.

(2)(A) In addition to any amounts provided under section 306 of this Act [16 U.S.C. 1455], and subject to the

availability of appropriations, the Secretary may make grants under this subsection to States for implementing program changes approved by the Secretary in accordance with section 306(e) of this Act [16 U.S.C. 1455(e)].

(B) Grants under this paragraph to implement a program change may not be made in any fiscal year after the second fiscal year that begins after the approval of that change by the Secretary.

[Remainder of the Act omitted]

Department of Transportation Act

SECTION 4(I) – AMTRAK IMPROVEMENT ACT

The Amtrak Improvement Act became law on October 28, 1974 (Public Law 93-496, 49 U.S.C. 5561-5567, formerly 49 U.S.C. 1653i) as an amendment to the Department of Transportation Act (Public Law 89-670). It has been amended seven times. This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the law as the "Act" rather than to the "subchapter" or the "title" of the Code.

Section 4(i)

49 U.S.C. 5562, Terminal assistance Projects

49 U.S.C. 5562(a), Requirements to provide assistance

(1) The Secretary of Transportation shall provide financial, technical, and advisory assistance under this chapter to—

49 U.S.C. 5562(a)(1)-(4), Purposes

(A) promote, on a feasibility demonstration basis, the conversion of at least 3 rail passenger terminals into intermodal transportation terminals;

(B) preserve rail passenger terminals that reasonably are likely to be converted or maintained pending preparation of plans for their reuse;

(C) acquire and use space in suitable buildings of historic or architectural significance but only if use of the space is feasible and prudent when compared to available alternatives; and

(D) encourage State and local governments, local and regional transportation authorities, common carriers, philanthropic organizations, and other responsible persons to develop plans to convert rail passenger terminals into intermodal transportation terminals and civic and cultural activity centers.

49 U.S.C. 5563 Conversion of certain rail passenger terminals

(2) The Secretary of Transportation may provide financial assistance to convert a rail passenger terminal to an intermodal transportation terminal under section 5562(a)(1) [of title 49] [section 4(i)(1) of this Act] only if—

49 U.S.C. 5563(a) Authority to provide assistance

(A) the terminal can be converted to accommodate other modes of transportation the Secretary of Transportation decides are appropriate, including—

(i) motorbus transportation;

(ii) mass transit (rail or rubber tire); and

(iii) airline ticket offices and passenger terminals providing direct transportation to area airports;

(B) the terminal is listed on the National Register of Historic Places maintained by the Secretary of the Interior;

(C) the architectural integrity of the terminal will be preserved;

(D) to the extent practicable, the use of the terminal facilities for transportation may be combined with use of those facilities for other civic and cultural activities, especially when another activity is recommended by—

(i) the Advisory Council on Historic Preservation;

(ii) the Chairman of the National Endowment for the Arts; or

(iii) consultants retained under subsection(b) of this section; and

(E) the terminal and the conversation project meet other criteria prescribed by the Secretary of Transportation after consultation with the Council and the Chairman.

49 U.S.C. 5563(b), Architectural integrity

The Secretary of Transportation must employ consultants on whether the architectural integrity of the rail passenger terminal will be preserved under subsection (i)(1)(C) of this section. The Secretary may decide that the architectural integrity will be preserved only if the consultants concur. The Council and Chairman shall recommend consultants to be employed by the Secretary. The consultants also may make recommendations referred to in subsection (i)(1)(D) [49 U.S.C. 5563 (A)(4)] of this section.

49 U.S.C. 5563(c), Government's share of costs

The Secretary of Transportation may not make a grant under this section for more than 80 percent of the total cost of converting a rail passenger terminal into an intermodal transportation terminal.

49 U.S.C. 5564,
Interim preservation of certain rail passenger terminals

49 U.S.C. 5564(a),
General grant authority

(3)(A) Subject to paragraph (B) of this section [49 U.S.C. 5564(b)], the Secretary of Transportation may make a grant of financial assistance to a responsible person (including a governmental authority) to preserve a rail passenger terminal under section 5562(a)(2) [of title 49] [section 4(i)(1)(B) of this Act.] To receive assistance under this section, the person must be qualified, prepared, committed, and authorized by law to maintain (and prevent the demolition, dismantling, or further deterioration of) the terminal until plans for its reuse are prepared.

49 U.S.C. 5564(b),
Grant requirements

(B) The Secretary of Transportation may make a grant of financial assistance under this section only if—

(i) the Secretary decides the rail passenger terminal has a reasonable likelihood of being converted to, or conditioned for reuse as, an intermodal transportation terminal, a civic or cultural activities center, or both; and

(ii) planning activity directed toward conversion or reuse has begun and is proceedings in a competent way.

49 U.S.C. 5564(c),
Maximizing preservation of terminals

(C)(i) Amounts appropriated to carry out this section and section 4(i)(1)(B) of this Act [49 U.S.C. 5562(a)(2)] of this title shall be expended in the way most likely to maximize the preservation of rail passenger terminals that are—

(I) reasonably capable of conversion to intermodal transportation terminals;

(II) listed in the National Register of Historic Places maintained by the Secretary of Interior; or

(III) recommended (on the basis of architectural integrity and quality) by the Advisory Council on Historic Preservation or the Chairman of the National Endowment for the Arts.

(ii) The Secretary of Transportation may not make a grant under this section for more than 80 percent

of the total cost of maintaining the terminal for an interim period of not more than 5 years.

*49 U.S.C. 5562(c)
Consultation

(4) The Secretary may acquire space under subsection (a)(3) [of 49 U.S.C. 5562] [section (1)(c) of this Act] only after consulting with the Advisory Council on Historic Preservation and the Chairman of the National Endowment for the Arts.

49 U.S.C. 5565
Encouraging the development of plans for converting certain rail passenger terminals

49 U.S.C. 5565(a)
General grant authority

(5)(A) The Secretary of Transportation may make a grant of financial assistance to a qualified person (including a governmental authority) to encourage the development of plans for converting a rail passenger terminal under section 5562(a)(4) [of title 49] [section 4(i)(1)(D) of this Act]. To receive assistance under this section, the person must—

(i) be prepared to develop practicable plans that meet zoning, land use, and other requirements of the applicable State and local jurisdictions in which the terminal is located;

(ii) incorporate into the designs and plans proposed for converting the terminal, features that reasonably appear likely to attract private investors willing to carry out the planned conversion and its subsequent maintenance and operation; and

(iii) complete the designs and plans for the conversion within the period of time prescribed by the Secretary.

49 U.S.C. 5565(b)
Preference

(B) In making a grant under this section, the Secretary of Transportation shall give preferential consideration to an applicant whose completed designs and plans will be carried out within 3 years after their completion.

49 U.S.C. 5565(c),
Maximizing conversion and continued public use

(C)(i)Amounts appropriated to carry out section 5562(a)(4) [of title 49] [section 4(i)(1)(D) of this Act] shall be expended in the way most likely to maximize the conversion and continued public use of rail passenger terminals that are—

(I) listed in the National Register of Historic Places maintained by the Secretary of Interior; or

(II) recommended (on the basis of architectural integrity and quality) by the Advisory Council on Historic Preservation or the Chairman of the National Endowment for the Arts.

(ii) The Secretary of Transportation may not make a grant under this section for more than 80 percent of the total cost of the project for which the financial assistance is provided.

[Subsection 4(i)(6) omitted]

49 U.S.C. 5567, Amtrak use, preference for preserving buildings of historic or architectural significance

(7) Amtrak shall give preference to the use of rail passenger terminal facilities that will preserve buildings of historic or architectural significance.

[Subsections 4(i)(8) and (9) omitted]

49 U.S.C. 5561 Definition

(10) In this chapter, "civic and cultural activities" includes libraries, musical and dramatic presentations, art exhibits, adult education programs, public meeting places, and other facilities for carrying on an activity any part of which is supported under a law of the United States.

*49 U.S.C. 5562(b) Effects on eligibility

(11) This [Act] does not affect the eligibility of any rail passenger terminal for preservation or reuse assistance under another program or law.

[Remainder of Act omitted]

Public Buildings Cooperative Use Act

This Act became law on October 18, 1976 (Public Law 94-541, 40 U.S.C. 3306). This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the law as the "Act" rather than to the "subchapter" or the "title" of the Code.

40 U.S.C. 3306
General Services Administration use of historically and architecturally significant buildings

Section 102

(a) DEFINITIONS— In this section-

(1) COMMERCIAL ACTIVITIES— The term "commercial activities" includes the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.

(2) CULTURAL ACTIVITIES— The term "cultural activities" includes film, dramatic, dance, and musical presentations, and fine art exhibits, whether or not those activities are intended to make a profit.

(3) EDUCATIONAL ACTIVITIES— The terms "educational activities" includes the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.

(4) HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE— The term "historical, architectural, or cultural significance" includes buildings listed or eligible to be listed on the National Register established under chapter 3021 of title 54.

(5) RECREATIONAL ACTIVITIES— The term "recreational activities" includes the operations of gymnasiums and related facilities.

(6) UNIT OF GENERAL LOCAL GOVERNMENT— The term "unit of general local government" means a city, county, town, parish, village, or other general-purpose political subdivision of a State.

(b) DUTIES OF ADMINISTRATOR— In order to carry out his duties under [this Act] and under any other authority with respect to constructing, operating, maintaining, altering, and otherwise managing or acquiring space necessary for the accommodation of Federal agencies and to accomplish the purposes of this title, the Administrator [of the General Services Administration] shall—

(1) acquire and utilize space in suitable buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives;

(2) encourage the location of commercial, cultural, educational, and recreational facilities and activities within public buildings;

(3) provide and maintain space, facilities, and activities, to the extent practicable, which encourage public access to and stimulate public pedestrian traffic around, into, and through public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that such activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and

(4) encourage the public use of public buildings for cultural, educational, and recreational activities.

(c) Consultation and solicitation of comments— In carrying out his duties under subsection (a) of this section, the Administrator shall—

(1) consult with Governors, areawide agencies established pursuant to Title II of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3331 et seq.) and section 6506 of title 31 [the Intergovernmental Cooperation Act of 1968], and chief executive officers of those units of general local government in each area served by an existing or proposed public building; and

(2) solicit the comments of other community leaders and members of the general public as he considers appropriate.

American Indian Religious Freedom Act

This Act became law on August 11, 1978 (Public Law 95-341, 42 U.S.C. 1996) and has been amended once. This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code, except that it refers to the law as the "Act" rather than to the "subchapter" or the "title" of the Code.

42 U.S.C. 1996, Protection and preservation of traditional religions of Native Americans

Section 1

On and after August 11, 1978, it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

42 U.S.C. 1996 note, Federal implementation of protective and preservation functions relating to Native American religious cultural rights and practices; Presidential report to Congress

Section 2

The President shall direct the various Federal departments, agencies, and other instrumentalities responsible for administering relevant laws to evaluate their policies and procedures in consultation with native traditional religious leaders in order to determine appropriate changes necessary to protect and preserve Native American religious cultural rights and practices. Twelve months after August 11, 1978, the President shall report back to Congress the results of his evaluation, including any changes which were made in administrative policies and procedures, and any recommendations he may have for legislative action.

Archeological Resources Protection Act

This Act became law on October 31, 1979 (Public Law 96-95; 16 U.S.C. 470aa-mm), and has been amended four times. This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the law as the "Act" rather than to the "subchapter" or the "title" of the Code

16 U.S.C. 470aa
Findings and purpose

Section 2

(a) The Congress finds that—

(1) archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation's heritage;

(2) these resources are increasingly endangered because of their commercial attractiveness;

(3) existing Federal laws do not provide adequate protection to prevent the loss and destruction of these archaeological resources and sites resulting from uncontrolled excavations and pillage; and

(4) there is a wealth of archaeological information which has been legally obtained by private individuals for non commercial purposes and which could voluntarily be made available to professional archaeologists and institutions.

(b) The purpose of this Act is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before October 31, 1979 [the date of the enactment of this Act].

16 U.S.C. 470bb
Definitions

Section 3

As used in this Act—

(1) the term "archaeological resource" means any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this Act. Such regulations containing such determination shall include, but

not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.

(2) The term "Federal land manager" means, with respect to any public lands, the Secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands. In the case of any public lands or Indian lands with respect to which no department, agency, or instrumentality has primary management authority, such term means the Secretary of the Interior. If the Secretary of the Interior consents, the responsibilities (in whole or in part) under this Act of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary of the Interior with respect to any land managed by such other Secretary or agency head, and in any such case, the term "Federal land manager" means the Secretary of the Interior.

(3) The term "public lands" means—

(A) lands which are owned and administered by the United States as part of—

(i) the national park system,

(ii) the national wildlife refuge system, or

(iii) the national forest system; and

(B) all other lands the fee title to which is held by the United States, other than lands on the Outer Continen-

tal Shelf and lands which are under the jurisdiction of the Smithsonian Institution.

(4) The term "Indian lands" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for any subsurface interests in lands not owned or controlled by an Indian tribe or an Indian individual.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 688, 43 U.S.C. 1601 et seq.).

(6) The term "person" means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Indian tribe, or of any State or political subdivision thereof.

(7) The term "State" means any of the fifty States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

16 U.S.C. 470cc
Evaluation and removal

Section 4

16 U.S.C. 470cc(a)
Application for permit

(a) Any person may apply to the Federal land manager for a permit to excavate or remove any archaeological resource located on public lands or Indian lands and to carry out activities associated with such excavation or removal. The application shall be required, under uniform regulations under this Act, to contain such information as the Federal land manager deems necessary, including information concerning the time, scope, and location and specific purpose of the proposed work.

16 U.S.C. 470cc(b)
Determinations by Federal land manager prerequisite to issuance of permit

(b) A permit may be issued pursuant to an application under subsection (a) of this section if the Federal land manager determines, pursuant to uniform regulations under this Act, that—

(1) the applicant is qualified, to carry out the permitted activity,

(2) the activity is undertaken for the purpose of furthering archaeological knowledge in the public interest,

(3) the archaeological resources which are excavated or removed from public lands will remain the property of the United States, and such resources and copies of associated archaeological records and data will be preserved by a suitable university, museum, or other scientific or educational institution, and

(4) the activity pursuant to such permit is not inconsistent with an management plan applicable to the public lands concerned.

16 U.S.C. 470cc(c)
Notification to Indian tribes of possible harm to or destruction of sites having religious or cultural importance

(c) If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 9 of this Act.

16 U.S.C. 470cc(d)
Terms and conditions of permit

(d) Any permit under this section shall contain such terms and conditions, pursuant to uniform regulations promulgated under this Act, as the Federal land manager concerned deems necessary to carry out the purposes of this Act.

16 U.S.C. 470cc(e)
Identification if individuals responsible for complying with permit terms and conditions and other applicable laws

(e) Each permit under this section shall identify the individual who shall be responsible for carrying out the terms and conditions of the permit and for otherwise complying with this Act and other law applicable to the permitted activity.

16 U.S.C. 470cc(f)
Suspension or revocation of permits, grounds

(f) Any permit issued under this section may be suspended by the Federal land manager upon his determination that the permittee has violated any provision of subsection (a), (b), or (c) of section 6 of this Act. Any such permit may be revoked by such Federal land manager upon assessment of a civil penalty under section 7 of this Act against the permit-

tee or upon the permittee's conviction under section 6 of this Act.

16 U.S.C. 470cc(g)
Excavation or removal by Indian tribes or tribe members, excavation or removal of resources located on Indian lands

(g)(1) No permit shall be required under this section or under chapter 3203 of title 54 for the excavation or removal by any Indian tribe or member thereof of any archaeological resource located on Indian lands of such Indian tribe, except that in the absence of tribal law regulating the excavation or removal of archaeological resources on Indian lands, an individual tribal member shall be required to obtain permit under this section.

(2) In the case of any permits for the excavation or removal of any archaeological resource located on Indian lands, the permit may be granted only after obtaining the consent of the Indian or Indian tribe owning or having jurisdiction over such lands. The permit shall include such terms and conditions as may be requested by such Indian or Indian tribe.

16 U.S.C. 470cc(h)
Permits issued under antiquities Act of 1906

(h)(1) No permit or other permission shall be required under chapter 3203 of title 54, for any activity for which a permit is issued under this section.

(2) Any permit issued under the chapter 3203 of title 54, shall remain in effect according to its terms and conditions following the enactment of this Act. No permit under this Act shall be required to carry out any activity under a permit issued under chapter 3203 of title 54, before October 31, 1979 [the date of the enactment of this Act] which remains in effect as provided in this paragraph, and nothing in this Act shall modify or affect any such permit.

16 U.S.C. 470cc(i)
Compliance with provisions relating to undertakings on properties listed in National Register not required

(i) Issuance of a permit in accordance with this section and applicable regulations shall not require compliance with section 306108 of title 54 [commonly known as section 106 of the National Historic Preservation Act.]

16 U.S.C. 470cc(j)
Issuance of permits to State governors for archaeological activities on behalf of States or their educational institutions

(j) Upon the written request of the Governor of any State, the Federal land manager shall issue a permit, subject to the provisions of subsections (b)(3), (b)(4), (c), (e), (f), (g), (h), and (i) of this section for the purpose of conducting

archaeological research, excavation, removal, and curation, on behalf of the State or its educational institutions, to such Governor or to such designee as the Governor deems qualified to carry out the intent of this Act.

16 U.S.C. 470dd
Custody or archaeological resources

Section 5

The Secretary of the Interior may promulgate regulations providing for—

(1) the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions, of archaeological resources removed from public lands and Indian lands pursuant to this Act, and

(2) the ultimate disposition of such resources and other resources removed pursuant to chapter 3125 or chapter 3023 of title 54

Any exchange or ultimate disposition under such regulation of archaeological resources excavated or removed from Indian lands shall be subject to the consent of the Indian or Indian tribe which owns or has jurisdiction over such lands. Following promulgation of regulations under this section, notwithstanding any other provision of law, such regulations shall govern the disposition of archaeological resources removed from public lands and Indian lands pursuant to this Act.

16 U.S.C. 470ee
Prohibited acts and criminal penalties

16 U.S.C. 470ee(a)
Unauthorized excavation, removal, damage, alternation, or defacement of archaeological resources

Section 6

(a) No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under section 470cc of [title 16] [section 4 of this Act], a permit referred to in section 470cc(h)(2) of [title 16] [section 4(h)(2) of this Act] or the exemption contained in section 470cc(g)(1) of [title 16] [section 4(g)(1) of this Act].

16 U.S.C. 470ee(b)
Trafficking in archaeological resources: Federal law

(b) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeo-

logical resource if such resource was excavated or removed from public lands or Indian lands in violation of—

(1) the prohibition contained in subsection (a) of this section, or

(2) any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

16 U.S.C. 470ee(c)
Trafficking in illegal interstate or foreign commerce in archaeological resources: State or local law

(c) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate of foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State or local law.

16 U.S.C. 470ee(d)
Penalties

(d) Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (a), (b), or (c) of this section shall, upon conviction, be fined not more than $10,000 or imprisoned not more than one year, or both: Provided, however, That if the commercial or archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources exceeds the sum of $500, such person shall be fined not more than $20,000 or imprisoned not more than two years, or both. In the case of a second or subsequent such violation upon conviction such person shall be fined not more than $100,000, or imprisoned not more than five years, or both.

16 U.S.C. 470ee(e)
Effective Date

(e) The prohibitions contained in this section shall take effect on October 31, 1979 [the date of the enactment of this Act].

16 U.S.C. 470ee(f)
Prospective application

(f) Nothing in subsection (b)(1) of this section shall be deemed applicable to any person with respect to any archaeological resource which was in the lawful possession of such person prior to October 31, 1979.

16 U.S.C. 470ee(g)
Removal of arrowheads located on ground surface

(g) Nothing in subsection (d) of this section shall be deemed applicable to any person with respect to the removal of arrowheads located on the surface of the ground.

16 U.S.C. 470ff
Civil penalties

16 U.S.C. 470ff(a)
Assessment by Federal land managers

Section 7

(a)(1) Any person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a civil penalty by the Federal land manager concerned. No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Federal land manager concerned.

(2) The amount of such penalty shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—

(A) the archaeological or commercial value of the archaeological resource involved, and

(B) the cost of restoration and repair of the resource and the archaeological site involved.

Such regulations shall provide that, in the case of a second or subsequent violation by any person, the amount of such civil penalty may be double the amount which would have been assessed if such violation were the first violation by such person. The amount of any penalty assessed under this subsection for any violation shall not exceed any amount equal to double the cost of restoration and repair of resources and archaeological sites damaged and double the fair market value of resources destroyed or not recovered.

(3) No penalty shall be assessed under this section for the removal of arrowheads located on the surface of the ground.

(b)(1) Any person aggrieved by an order assessing a civil penalty under subsection (a) of this section may file a petition for judicial review of such order with the United States District Court for the District of Columbia or for any other district in which such person resides or transacts business.

16 U.S.C. 470ff(b)
Judicial review of assessed penalties, collection of unpaid assessments

Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued. The court shall hear such action on the record made before the Federal land manager and shall sustain his

action if it is supported by substantial evidence on the record considered as a whole.

(2) If any person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and such person has not filed a petition for judicial review of the order in accordance with paragraph (1), or

(B) after a court in an action brought under paragraph (1) has entered a final judgment upholding the assessment of a civil penalty, the Federal land managers may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In such action, the validity and amount of such penalty shall not be subject to review.

16 U.S.C. 470ff(c)
Hearings

(c) Hearings held during proceedings for the assessment of civil penalties authorized by subsection (a) of this section shall be conducted in accordance with section 554 of title 5 [of the United States Code].

Subpoenas

The Federal land manager may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths.

Witness fees

Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Federal land manager or to appear and produce documents before the Federal land manager, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

16 U.S.C. 470gg
Enforcement

16 U.S.C. 470gg(a)
Rewards

Section 8

(a) Upon the certification of the Federal land manager concerned, the Secretary of the Treasury is directed to pay from penalties and fines collected under sections 470ee and 470ff of [title 16] [section 6 and 7 of this Act] an amount equal to one-half of such penalty or fine, but not to exceed $500, to any person who furnishes information which leads to the findings of a civil violation, or the conviction of criminal violation, with respect to which such penalty or fine was paid. If several persons provided such information, such amount shall be divided among such persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

16 U.S.C. 470gg(b)
Forfeitures

(b) All archaeological resources with respect to which a violation of subsection (a), (b), or (c) of section 470ee of [title 16] [section 6 of this Act] occurred and which are in the possession of any person, and all vehicles and equipment of any person which were used in connection with such violation, may be (in the discretion of the court or administrative law judge, as the case may be) subject to forfeiture to the United States upon—

(1) such person's conviction of such violation under section 470ee of [title 16] [section 6 of this Act],

(2) assessment of a civil penalty against such person under section 470ff of [title 16] [section 7 of this Act] with respect to such violation, or

(3) a determination by any court that such archaeological resources, vehicles, or equipment were involved in such violation.

16 U.S.C. 470gg(c)
Disposition of penalties collected and items forfeited in cases involving archaeological resources excavated or removed from Indian lands

(c) In cases in which a violation of the prohibition contained in subsection (a), (b), or (c) section 470ee of [title 16] [section 6 of this Act] involve archaeological resources excavated or removed from Indian lands, the Federal land manager or the court, as the case may be, shall provide for the payment to the Indian or Indian tribe involved of all

penalties collected pursuant to section 470ff of [title 16] [section 7 of this Act] and for the transfer to such Indian or Indian tribe of all items forfeited under this section.

16 U.S.C. 470hh
Confidentiality of information concerning nature and location of archaeological resources

Section 9

16 U.S.C. 470hh(a)
Disclosure of information

(a) Information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this Act or under any other provision of Federal law may not be made available to the public under subchapter II of chapter 5 of title 5 [of the United States Code] or under any other provision of law unless the Federal land manager concerned determines that such disclosure would—

(1) further the purposes of chapter 3125 of title 54 and

(2) not create a risk of harm to such resources or to the site at which such resources are located.

16 U.S.C. 470hh(b)
Request for disclosure by Governors

(b) Notwithstanding the provisions of subsection (a), upon the written request of the Governor of any State, which request shall state—

(1) the specific site or area for which information is sought,

(2) the purpose for which such information is sought,

(3) a commitment by the Governor to adequately protect the confidentiality of such information to protect the resource from commercial exploitation, the Federal land manager concerned shall provide to the Governor information concerning the nature and location of archaeological resources within the State of the requesting Governor.

16 U.S.C. 470ii
Rules and regulations, intergovernmental coordination

Section 10

16 U.S.C. 470ii(a)
Promulgation, effective date

(a) The Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of the Tennessee Valley Authority, after consultation with other Federal land managers, Indian tribes, representatives of concerned State agencies, and after public notice and hearing, shall promulgate such uniform rules and regulations as may be appropriate to carry out the purposes of this Act. Such rules and regulations may be promulgated only after consideration of the provisions of the American Indian Religious Freedom Act (92 Stat.469; 42 U.S.C. 1996 and 1996a).

Submittal to congressional committees

Each uniform rule or regulation promulgated under this Act shall be submitted on the same calendar day to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Natural Resources of the United States House of Representatives, and no such uniform rule or regulation may take effect before the expiration of a period of ninety calendar days following the date of its submission to such Committees.

16 U.S.C. 470ii(b)
Federal lands managers' rules

(b) Each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations under subsection (a) of this section, as may be appropriate for the carrying out of his functions and authorities under this Act.

16 U.S.C. 470ii(c)
Federal land managers' public awareness program of archaeological resources

(c) Each Federal land manager shall establish a program to increase public awareness of the significance of the archaeological resources located on public lands and Indian lands and the need to protect such resources.

16 U.S.C. 470jj
Cooperation with private individuals

Section 11

The Secretary of the Interior shall take such action as may be necessary, consistent with the purposes of this Act, to foster and improve the communication, cooperation, and exchange of information between—

(1) private individuals having collections of archaeological resources and data which were obtained before October 31, 1979 [the date of the enactment of this Act], and

(2) Federal authorities responsible for the protection of archaeological resources on the public lands and Indian lands and professional archaeologists and associations of professional archaeologists. In carrying out this section, the Secretary shall, to the extent practicable and consistent with the provisions of this Act, make efforts to expand the archaeological data base for the archaeological resources of the United States through increased cooperation between private individuals referred to in paragraph (1) and professional archaeologists and archaeological organizations.

16 U.S.C. 470kk
Savings provisions

Section 12

16 U.S.C. 470kk(a)
Mining, mineral leasing, reclamation, and other multiple uses

(a) Nothing in this Act shall be construed to repeal, modify, or impose additional restrictions on the activities permitted under existing laws and authorities relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

16 U.S.C. 470kk(b)
Private collections

(b) Nothing in this Act applies to, or requires a permit for, the collection for private purposes of any rock, coin, bullet, or mineral which is not an archaeological resource, as determined under uniform regulations promulgated under section 470bb of [title 16] [section 3(1) of this Act].

(c) Nothing in this Act shall be construed to affect any land other than public land or Indian land or to affect the lawful recovery, collection, or sale of archaeological resources from land other than public land or Indian land.

16 U.S.C. 470ll
Annual report to congress

Section 13

As part of the annual report required to be submitted to the specified committees of the Congress pursuant to [section 312504 of title 54,] the Secretary of the Interior shall comprehensively report as a separate component on the activities carried out under the provisions of this Act, and he shall make such recommendations as he deems appropriate as to changes or improvements needed in the provisions of this Act. Such report shall include a brief summary of the actions undertaken by the Secretary under section 470jj of

[title 16] [section 11 of this Act], relating to cooperation with private individuals.

16 U.S.C. 470mm
Surveying of lands, reporting of violations

Section 14

The Secretaries of the Interior, Agriculture, and Defense and the Chairman of the Board of the Tennessee Valley Authority shall—

(a) develop plans for surveying lands under their control to determine the nature and extent of archaeological resources on those lands;

(b) prepare a schedule for surveying lands that are likely to contain the most scientifically valuable archaeological resources; and

(c) develop documents for the reporting of suspected violations of this Act and establish when and how those documents are to be completed by officers, employees, and agents of their respective agencies.

Commemoration of Former Presidents

The Act authorizing projects in Commemoration of Former Presidents (Pub. L.96-199 section 120, 54 U.S.C. 3091091) was authorized in 1980 and has been amended once. In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book..

54 U.S.C. 309101
Commemoration of Former Presidents

Sites and structures that commemorate former Presidents

(a) SURVEY.—The Secretary may conduct a survey of sites that the Secretary considers exhibit qualities most appropriate for the commemoration of each former President. The survey may—

(1) include sites associated with the deeds, leadership, or lifework of a former President and

(2) identify sites or structures historically unrelated to a former President but that may be suitable as a memorial to honor that President.

(b) REPORTS.—The Secretary shall, from time to time, prepare and transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate reports on individual sites and structures identified in a survey under subsection (a), together with the Secretary's recommendation as to whether the site or structure is suitable for establishment as a national historic site or national memorial to commemorate a former President. Each report shall include pertinent information with respect to the need for acquisition of land and interests in land, the development of facilities, and the operation and maintenance of the site or structure and the estimated cost of the operation and maintenance.

(c) ESTABLISHMENT AS NATIONAL HISTORIC SITE.—If during the 6 month period following the transmittal of a report pursuant to subsection (b) neither Committee has by vote of a majority of its members disapproved a recommendation of the Secretary that a site or structure is suitable for establishment as a national historic site, the Secretary may by appropriate order establish the site or structure as a national historic site, including the land and interests in land

identified in the report accompanying the recommendation of the Secretary.

(d) Acquistion of Land and Interests in Land.—The Secretary may acquire the land and interests in land by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

(e) Effect of Section.—Nothing in this section shall be construed as diminishing the authority of the Secretary under chapter 3201 of this title or as authorizing the Secretary to establish any national memorial, creation of which is expressly reserved to Congress.

Commission for the Preservation of America's Heritage Abroad

The Commission for the Preservation of America's heritage Abroad (Pub. L. 99-83 1303, 54 U.S.C. 3123 et. seq.) was passed in 1985. In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

54 U.S.C. 312301
Definition

[Added 2014]

In this chapter, the term "Commission" means the Commission for the Preservation of America's Heritage Abroad established under section 312303 of this title.

54 U.S.C. 312302
Declaration of National Interest

(a) PURPOSE— Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

*54 U.S.C. 312303(a)
Establishment

(b) ESTABLISHMENT— There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad.

*54 U.S.C. 312304(a)
Duties

(c) DUTIES— The Commission shall—

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad that are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly cemeteries, monuments, and buildings that are in danger of deterioration or destruction;

(2) encourage the preservation and protection of those cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Secretary of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of, and the progress toward preserving and protecting, those cemeteries, monuments, and historic buildings.

Commission for the Preservation of America's Heritage Abroad

*54 U.S.C. 312303(b)
Membership

(d)(1) MEMBERSHIP— The Commission shall consist of 21 members appointed by the President, 7 of whom shall be appointed after consultation with the Speaker of the House of Representatives and 7 of whom shall be appointed after consultation with the President pro tempore of the Senate.

*54 U.S.C. 312303(c)
Term

(2)(A) TERM— IN GENERAL— Except as provided in paragraph (2) [of 54 U.S.C. 312303] [subparagraph (C) of this Act], a member of the Commission shall be appointed for terms of 3 years.

[(B) omitted as obsolete]

(C) VACANCY— A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

(D) MEMBER UNTIL SUCCESSOR APPOINTED— A member may retain membership on the Commission until the member's successor has been appointed.

*54 U.S.C. 312303(d)
Chairman

(3) CHAIRMAN— The President shall designate the Chairman of the Commission from among its members.

*54 U.S.C. 312303(e)
Meetings

(e) MEETINGS— The Commission shall meet at least once every 6 months.

*54 U.S.C. 312303(f)
Compensation and Expenses

(f) COMPENSATION AND EXPENSES—

(1) COMPENSATION— Members of the Commission shall receive no pay on account of their service on the Commission.

(2) EXPENSES— While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 [of the United States Code.]

*54 U.S.C 312304 (b)
Powers

(g) POWERS—

Commission for the Preservation of America's Heritage Abroad

(1) HOLD HEARINGS, REQUEST ATTENDANCE, TAKE TESTIMONY, AND RECEIVE EVIDENCE— The Commission or any member it authorizes may, for the purposes of carrying out this [section], hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) APPOINT PERSONNEL AND FIX PAY— The Commission may appoint such personnel (subject to the provisions of title 5 [of the United States Code] governing appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5), as the Commission considers desirable.

(3) PROCURE TEMPORARY AND INTERMITTENT SERVICES— The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 [of the United States Code], but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect under section 5376 of title 5.

(4) DETAIL PERSONNEL TO COMMISSION— On request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this [section].

(5) SECURE INFORMATION— The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this [section]. On the request of the Chairman of the Commission, the head of the department or agency shall furnish such information to the Commission.

(6) GIFTS OR DONATIONS— The Commission may accept, use, and dispose of gifts or donations of money or property.

Commission for the Preservation of America's Heritage Abroad

(7) USE OF MAILS— The Commission may use the United States mails in the same manner and on the same conditions as other departments and agencies of the United States.

*54 U.S.C. 312104(c)
Administrative Support

(8) ADMINISTRATIVE SUPPORT— The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support services as the Commission may request.

54 U.S.C. 312305
Reports

(h) REPORTS— As soon as practicable after the end of each fiscal year, the Commission shall transmit to the President . a report that includes—

(1) a detailed statement of the activities and accomplishments of the Commission during the fiscal year; and

(2) any recommendations by the Commission for legislation and administrative actions.

Abandoned Shipwreck Act

This Act became law on April 28, 1988 (Public Law 100-298; 43 U.S.C. 2101-2106). It has not been amended. This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the "Act" rather than to the "subchapter" or the "title" of the Code.

43 U.S.C. 2101
Findings

Section 2

The Congress finds that—

(a) States have the responsibility for management of a broad range of living and nonliving resources in State waters and submerged lands; and

(b) included in the range of resources are certain abandoned shipwrecks, which have been deserted and to which the owner has relinquished ownership rights with no retention.

43 U.S.C. 2102
Definitions

Section 3

For purposes of this Act—

(a) the term "embedded" means firmly affixed in the submerged lands or in coralline formations such that the use of tools of excavation is required in order to move the bottom sediments to gain access to the shipwreck, its cargo, and any part thereof;

(b) the term "National Register" means the National Register of Historic Places maintained by the Secretary of the Interior under section 101 of the National Historic Preservation Act [54 U.S.C. 3021 et. seq.];

(c) the terms "public lands", "Indian lands", and "Indian tribe" have the same meaning given the terms in the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa-470ll);

(d) the term "shipwreck" means a vessel or wreck, its cargo, and other contents;

(e) the term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands; and

(f) the term "submerged lands" means the lands—

(1) that are "lands beneath navigable waters," as defined in section 2 of the Submerged Lands Act [43 U.S.C. 1301];

(2) of Puerto Rico, as described in section 8 of the Act of March 2, 1917, as amended [48 U.S.C. 749];

(3) of Guam, the Virgin Islands and American Samoa, as described in section 1 of Public Law 93-435 [48 U.S.C. 1705]; and

(4) of the Commonwealth of the Northern Mariana Islands, as described in section 801 of Public Law 94-241 [48 U.S.C. 1681].

43 U.S.C. 2103
Rights of access

Section 4

43 U.S.C. 2103(a)
Access rights, historic preservation, environmental protection

(a) In order to—

(1) clarify that State waters and shipwrecks offer recreational and educational opportunities to sport divers and other interested groups, as well as irreplaceable State resources for tourism, biological sanctuaries, and historical research; and

(2) provide that reasonable access by the public to such abandoned shipwrecks be permitted by the State holding title to such shipwrecks pursuant to section 6 of this Act [43 U.S.C. 2105]; it is the declared policy of the Congress that States carry out their responsibilities under this Act to develop appropriate and consistent policies so as to—

(A) protect natural resources and habitat areas;

(B) guarantee recreational exploration of shipwreck sites; and

(C) allow for appropriate public and private sector recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and the sites.

43 U.S.C. 2103(b)
Parks and protected areas, grants

(b) In managing the resources subject to the provisions of this Act, States are encouraged to create underwater parks

or areas to provide additional protection for such resources. Funds available to States from grants from the Historic Preservation Fund shall be available, in accordance with the provisions of chapter 3029 of title 54 [title I of the National Historic Preservation Act], for the study, interpretation, protection, and preservation of historic shipwrecks and properties.

43 U.S.C. 2104
Preparation of guidelines

Section 5

43 U.S.C. 2104(a)
Purpose of guidelines, Federal Register publication

(a) In order to encourage the development of underwater parks and the administrative cooperation necessary for the comprehensive management of underwater resources related to historic shipwrecks, the Secretary of the Interior, acting through the Director of the National Park Service, shall within nine months after April 28, 1988, prepare and publish guidelines in the Federal Register which shall seek to:

(1) maximize the enhancement of cultural resources;

(2) foster a partnership among sport divers, fishermen, archeologists, salvors, and other interests to manage shipwreck resources of the States and the United States;

(3) facilitate access and utilization by recreational interests;

(4) recognize the interests of individuals and groups engaged in shipwreck discovery and salvage.

43 U.S.C. 2104(b)
Consultation in developing guidelines

(b) Such guidelines shall be developed after consultation with appropriate public and private sector interests (including the Secretary of Commerce, the Advisory Council on Historic Preservation, sport divers, State Historic Preservation Officers, professional dive operators, salvors, archeologists, historic preservationists, and fishermen).

43 U.S.C. 2104(c)
Guidelines, regulations, and legislation

(c) Such guidelines shall be available to assist States and the appropriate Federal agencies in developing legislation and regulations to carry out their responsibilities under this Act.

43 U.S.C. 2105
Rights of ownership

Section 6

43 U.S.C. 2105(a)
United States title

(a) The United States asserts title to any abandoned shipwreck that is—

(1) embedded in submerged lands of a State;

(2) embedded in coralline formations protected by a State on submerged lands of a State; or

(3) on submerged lands of a State and is included in or determined eligible for inclusion in the National Register.

43 U.S.C. 2105(b)
Public notice of shipwreck location, National Register eligibility

(b) The public shall be given adequate notice of the location of any shipwreck to which title is asserted under this section. The Secretary of the Interior, after consultation with the appropriate State Historic Preservation Officer, shall make a written determination that an abandoned shipwreck meets the criteria for eligibility for inclusion in the National Register of Historic Places under subsection (a)(3).

43 U.S.C. 2105(c)
Transfer of title to States

(c) The title of the United States to any abandoned shipwreck asserted under subsection (a) of this section is transferred to the State in or on whose submerged lands the shipwreck is located.

43 U.S.C. 2105(d)
Shipwrecks on Federal or Indian land

(d) Any abandoned shipwreck in or on the public lands of the United States is the property of the United States Government. Any abandoned shipwreck in or on any Indian lands is the property of the Indian tribe owning such lands.

43 U.S.C. 21005(e)
Reservation of rights

(e) This section does not affect any right reserved by the United States or by any State (including any right reserved with respect to Indian lands) under—

(1) section 3, 5, or 6 of the Submerged Lands Act [43 U.S.C. 1311, 1313, or 1314]; or

(2) section 19 or 20 of the Act of March 3, 1899 [33 U.S.C. 414 and 415].

43 U.S.C. 2106
Relationship to Other Laws

Section 7

43 U.S.C. 2106(a)
Law of salvage and the law of finds

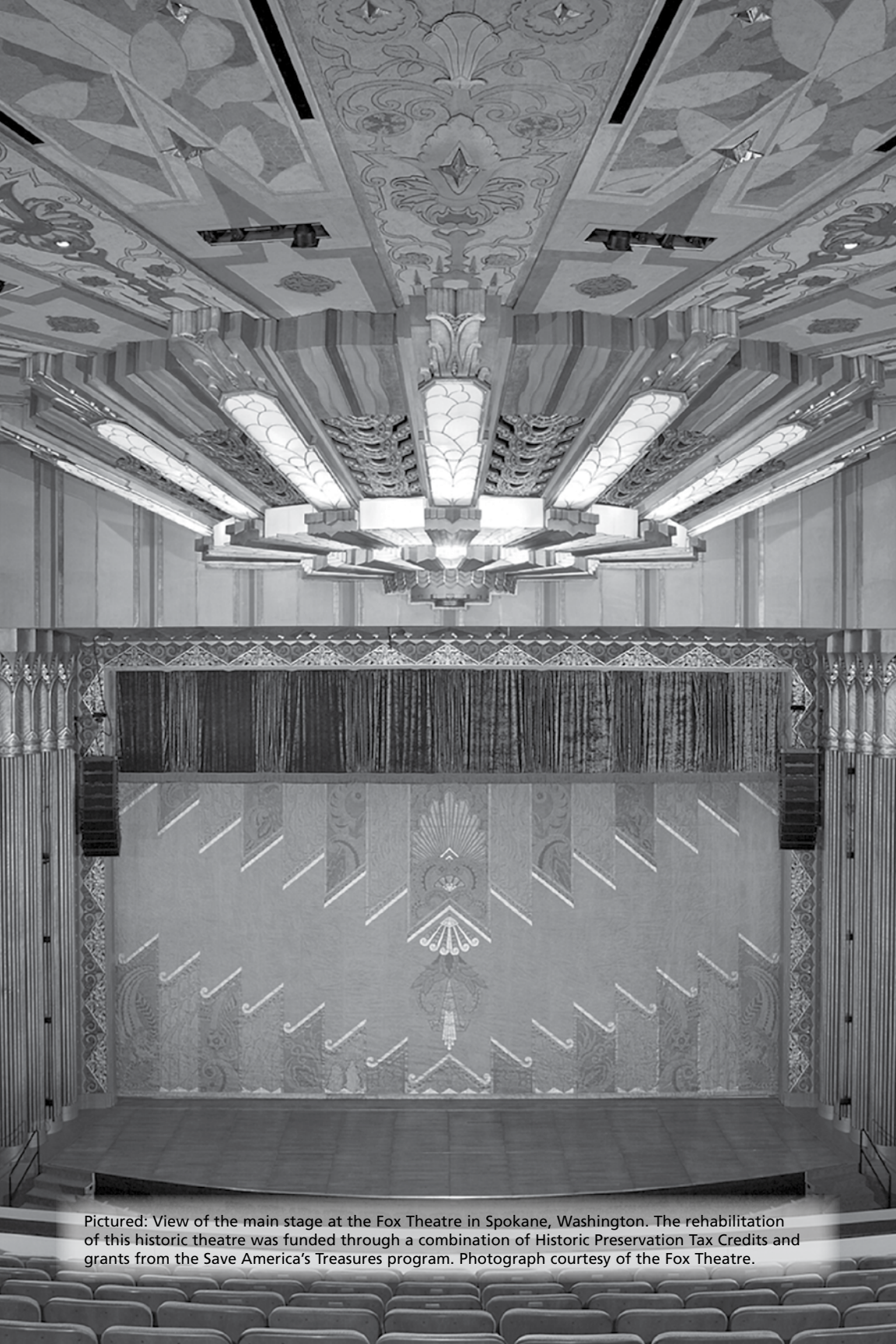
(a) The law of salvage and the law of finds shall not apply to abandoned shipwrecks to which section 6 of this Act [43 U.S.C. 2105] applies.

43 U.S.C. 2106(b)
Laws of the United States

(b) This Act shall not change the laws of the United States relating to shipwrecks, other than those to which this Act applies.

43 U.S.C. 2106(c)
Effective date

(c) This Act shall not affect any legal proceeding brought prior to April 28, 1988 [the date of enactment of this Act].



Pictured: View of the main stage at the Fox Theatre in Spokane, Washington. The rehabilitation of this historic theatre was funded through a combination of Historic Preservation Tax Credits and grants from the Save America's Treasures program. Photograph courtesy of the Fox Theatre.

Internal Revenue Code

SELECTIONS: QUALIFIED CONSERVATION CONTRIBUTIONS AND REHABILITATION TAX CREDIT

Section 170(h) of the Internal Revenue code became law on December 17, 1980 (Public Law 96-541, 26 U.S.C. 170(h) and has been amended three times. It covers qualified conservation contributions.. Section 47, which establishes the Rehabilitation Tax Credit, became law on November 5, 1990 (Public Law 101-508; 26 U.S.C. 47). It is the current version of the certified rehabilitation section previously contained in Section 48(g) of the Internal Revenue Code of 1986 [26 U.S.C. 48(f)]. Since codification in section 47, the Act has been amended once by Public Law 115-97. Public Law 95-600 (1978) and six amendments contributed to the development of the rehabilitation credit while it was codified in 26 U.S.C. 48(g). This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the law as the "Act" rather than to the "subchapter" or the "title" of the Code.

Section 170(h)

26 U.S.C. 170(h)
Qualified conservation contribution

(1) For purposes of subsection (f)(3)(B)(iii), the term "qualified conservation contribution" means a contribution—

26 U.S.C. 170(h)(1)
In general

(A) of a qualified real property interest,

(B) to a qualified organization,

(C) exclusively for conservation purposes.

26 U.S.C. 170(h)(2)
Qualified real property interest

(2) For purposes of this subsection, the term "qualified real property interest" means any of the following interests in real property:

(A) the entire interest of the donor other than a qualified mineral interest,

(B) a remainder interest, and

(C) a restriction (granted in perpetuity) on the use which may be made of the real property.

26 U.S.C. 170(h)(3)
Qualified organization

(3) For the purposes of paragraph (1), the term "qualified organization" means an organization which—

(A) is described in clause (v) or (vi) of subsection (b)(1)(A), or

(B) is described in section 501(c)(3) and—

(i) meets the requirements of section 509(a)(2), or

(ii) meets the requirements of section 509(a)(3) and is controlled by an organization described

in subparagraph (A) or in clause (i) of this subparagraph.

26 U.S.C. 170(h)(4) Conservation purpose defined, in general

(4)(A) For purposes of this subsection, the term "conservation purposes" means—

(i) the preservation of land areas for outdoor recreation by, or the education of, the general public,

(ii) the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem,

(iii) the preservation of open space (including farmland and forest land) where such preservation is—

(I) for the scenic enjoyment of the general public, or

(II) pursuant to a clearly delineated Federal, State, or local governmental conservation policy, and will yield a significant public benefit, or

(iv) the preservation of a historically important land area or a certified historic structure.

[Added 2006] (B) In the case of any contribution of a qualified real property interest which is a restriction with respect to the exterior of a building described in subparagraph (C)(ii), such contribution shall not be considered to be exclusively for conservation purposes unless-

(i) such interest-

(I) includes a restriction which preserves the entire exterior of the building (including the front, sides, rear, and height of the building), and

(II) prohibits any change in the exterior of the building which is inconsistent with the historical character of such exterior,

(ii) the donor and donee enter into a written agreement certifying, under penalty of perjury, that the donee-

(I) is a qualified organization (as defined in paragraph (3)) with a purpose of environmental protection, land conservation, open space preservation, or historic preservation, and

(II) has the resources to manage and enforce the restriction and a commitment to do so, and

(iii) in the case of any contribution made in a taxable year beginning after the date of the enactment of this subparagraph, the taxpayer includes with the taxpayer's return for the taxable year of the contribution-

(I) a qualified appraisal (within the meaning of subsection (f)(11)(E)) of the qualified property interest,

(II) photographs of the entire exterior of the building, and

(III) a description of all restrictions on the development of the building.

(C) For purposes of subparagraph (A)(iv), the term "certified historic structure" means any building, structure, or land area which—

(i) is listed in the National Register, or

(ii) is located in a registered historic district (as defined in Section 47(c)(3)(B)) and is certified by the Secretary of the Interior to the Secretary [of the Treasury] as being of historic significance to the district.

A building, structure, or land area satisfies the preceding sentence if it satisfies such sentence either at the time of the transfer or on due date (including extensions) for filing the transferor's return under this chapter for the taxable year in which the transfer is made.

26 U.S.C. 170(h)(5)
Contributions to be protected in perpetuity

(5) For purposes of this subsection—

(A) A contribution shall not be treated as exclusively for conservation purposes unless the conservation purpose is protected in perpetuity.

(B)(i) Except as provided in clause (ii), in the case of a contribution of any interest where there is a retention of a qualified mineral interest, subparagraph (A) shall not be treated as met if at any time there may be extraction or removal of minerals by any surface mining method.

(ii) With respect to any contribution of property in which the ownership of the surface estate and mineral interests has been and remains separated, subparagraph (A) shall be treated as met if the probability of surface mining occurring on such property is so remote as to be negligible.

26 U.S.C. 170(h)(6)
Qualified mineral interest

(6) For purposes of this subsection, the term "qualified mineral interest" means—

(A) subsurface oil, gas, or other minerals, and

(B) the right to access to such minerals.

Section 47

26 U.S.C. 47
Rehabilitation Tax Credit

26 U.S.C. 47(a)
Amount of credit

(a)(1) For purposes of section 46, for any taxable year during the 5-year period beginning in the taxable year in which a qualified rehabilitated building is placed in service, the rehabilitation credit for such year is an amount equal to the ratable share for such year.

(2) For the purposes of paragraph (1), the ratable share for any taxable year during the period described in such paragraph is the amount equal to 20 percent 20 percent of the qualified rehabilitation expenditures with respect to the qualified rehabilitated building, as allocated ratably to each year during such period.

26 U.S.C. 47(b)
Correct timing for claiming credit, in general

(b)(1) Qualified rehabilitation expenditures with respect to any qualified rehabilitated building shall be taken

into account for the taxable year in which such qualified rehabilitated building is placed in service.

(2) The amount which would (but for this paragraph) be taken into account under paragraph (1) with respect to any qualified rehabilitated building shall be reduced (but not below zero) by any amount of qualified rehabilitation expenditures taken into account under subsection (d) by the taxpayer or a predecessor of the taxpayer (or, in the case of a sale and leaseback described in section 50(a)(2)(C), by the lessee), to the extent any amount so taken into account has not been required to be recaptured under section 50(a).

26 U.S.C. 47(c)
Definitions

(c) For the purposes of this section—

(1)(A) The term "qualified rehabilitated building" means any building (and its structural components) if—

(i) such building has been substantially rehabilitated,

(ii) such building was placed in service before the beginning of the rehabilitation,

(iii) such building is a certified historic structure, and

(iv) depreciation (or amortization in lieu of depreciation) is allowable with respect to such building.

(B) (i)For purposes of subparagraph (A)(i), a building shall be treated as having been substantially rehabilitated only if the qualified rehabilitation expenditures during the 24-month period selected by the taxpayer (at the time and in the manner prescribed by regulation) and ending with or within the taxable year exceed the greater of—

(I) the adjusted basis of such building (and its structural components), or

(II) $5,000.

The adjusted basis of the building (and its structural components) shall be determined as of the beginning of the 1st day of such 24-month period, or of the holding period of the building, whichever is later. For purposes of the preceding sentence, the determination of the beginning of the holding period shall be made without regard to any reconstruction by the taxpayer in connection with the rehabilitation.

(ii) In the case of any rehabilitation which may reasonably be expected to be completed in phases set forth in architectural plans and specifications completed before the rehabilitation begins, clause (i) shall be applied by substituting "60-month period" for "24-month period."

(iii) The Secretary shall prescribe by regulation rules for applying this subparagraph to lessees.

(C) Rehabilitation includes reconstruction.

(2)(A) The term "qualified rehabilitation expenditure" means any amount properly chargeable to capital account—

(i) for property for which depreciation is allowable under section 168 and which is—

(I) nonresidential real property,

(II) residential rental property,

(III) real property which has a class life of more than 12.5 years, or

(IV) an addition or improvement to property described in subclause (I), (II), or (III), and

(ii) in connection with the rehabilitation of a qualified rehabilitated building.

(B) The term "qualified rehabilitation expenditure" does not include—

(i) Any expenditure with respect to which the taxpayer does not use the straight line method over a recovery period determined under subsection (c) or (g) of section 168. The preceding sentence shall not apply to any expenditure to the extent the alternative depreciation system of section 168(g) applies to such expenditure by reason of subparagraph (B) or (C) of section 168(g)(1).

(ii) The cost of acquiring any building or interest therein.

(iii) Any expenditure attributable to the enlargement of an existing building.

(iv) Any expenditure attributable to the rehabilitation of a qualified rehabilitated buiding unless the rehabilitation is a certified rehabilitation (within the meaning of subparagraph (C)).

(v)(I) Any expenditure in connection with the rehabilitation of a building which is allocable to the portion of such property which is (or may reasonably be expected to be) tax-exempt use property (within the meaning of section 168(h), except that "50 percent" shall be substituted for "35 percent" in paragraph (1)(B)(iii) thereof).

(II) This clause shall not apply for purposes of determining under paragraph (1)(C) whether a building has been substantially rehabilitated.

(vi) Any expenditure of a lessee of a building if, on the date the rehabilitation is completed, the remaining term of the lease (determined without regard to any renewal periods) is less than the recovery period determined under section 168(c).

(C) For purposes of subparagraph (B), the term "certified rehabilitation" means any rehabilitation of a certified historic structure which the Secretary of the Interior has certified to the Secretary [of the Treasury] as being consistent with the historic character of

such property or the district in which such property is located.

(D) For purposes of subparagraph (A), the terms "non-residential real property," "residential rental property," and "class life" have the respective meanings given such terms by section 168.

(3)(A) The term "certified historic structure" means any building (and its structural components) which—

(i) is listed in the National Register, or

(ii) is located in a registered historic district and is certified by the Secretary of the Interior to the Secretary as being of historic significance to the district.

(B) The term "registered historic district" means—

(i) any district listed in the National Register, and

(ii) any district—

(I) which is designated under a statute of the appropriate State or local government, if such statute is certified by the Secretary of the Interior to the Secretary [of the Treasury] as containing criteria which will substantially achieve the purpose of preserving and rehabilitating buildings of historic significance to the district, and

(II) which is certified by the Secretary of the Interior to the Secretary [of the Treasury] as meeting substantially all of the requirements for the listing of districts in the National Register.

26 U.S.C. 47(d)
Progress expenditures

(d)(1) In the case of any building to which this subsection applies, except as provided in paragraph (3)—

(A) if such building is self-rehabilitated property, any qualified rehabilitation expenditure with respect to such building shall be taken into account for the taxable year for which such expenditure is properly chargeable to capital account with respect to such building, and

(B) if such building is not self-rehabilitated property, any qualified rehabilitation expenditure with respect to such building shall be taken into account for the taxable year in which paid.

(2)(A) This subsection shall apply to any building which is being rehabilitated by or for the taxpayer if—

(i) the normal rehabilitation period for such building is 2 years or more, and

(ii) it is reasonable to expect that such building will be a qualified rehabilitated building in the hands of the taxpayer when it is placed in service.

Clauses (i) and (ii) shall be applied on the basis of facts known as of the close of the taxable year of the taxpayer in which the rehabilitation begins (or, if later, at the close of the first taxable year to which an election under this subsection applies).

(B) For purposes of subparagraph (A), the term "normal rehabilitation period" means the period reasonably expected to be required for the rehabilitation of the building—

(i) beginning with the date on which physical work on the rehabilitation begins (or, if later, the first day of the first taxable year to which an election under this subsection applies), and

(ii) ending on the date on which it is expected that the property will be available for placing in service.

(3) For purposes of paragraph (1)—

(A) Property which is to be a component part of, or is otherwise to be included in, any building to which this subsection applies shall be taken into account—

(i) at a time not earlier than the time at which it becomes irrevocably devoted to use in the building, and

(ii) as if (at the time referred to in clause (i)) the taxpayer had expended an amount equal to that portion of the cost to the taxpayer of such component or other property which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such building.

(B) Any amount borrowed directly or indirectly by the taxpayer from the person rehabilitating the property for him shall not be treated as an amount expended for such rehabilitation.

(C)(i) In the case of a building which is not self-rehabilitated, the amount taken into account under paragraph (1)(B) for any taxable year shall not exceed the amount which represents the portion of the overall cost to the taxpayer of the rehabilitation which is properly attributable to the portion of the rehabilitation which is completed during such taxable year.

(ii) In the case of a building which is not a self-rehabilitated building, if for the taxable year—

(I) the amount which (but for clause (i)) would have been taken into account under paragraph (1)(B) exceeds the limitation of clause (i), then the amount of such excess shall be taken into account under paragraph (1)(B) for the succeeding taxable year, or

(II) the limitation of clause (i) exceeds the amount taken into account under paragraph (1)(B), then the amount of such excess shall increase the limitation of clause (i) for the succeeding taxable year.

(D) The determination under subparagraph (C)(i) of the portion of the overall cost to the taxpayer of the rehabilitation which is properly attributable to rehabilitation completed during any taxable year shall be made, under regulations prescribed by the Secretary, on the basis of engineering or architectural estimates or on the basis of cost accounting records.

Unless the taxpayer establishes otherwise by clear and convincing evidence, the rehabilitation shall be deemed to be completed not more rapidly than ratably over the normal rehabilitation period.

(E) No qualified rehabilitation expenditures shall be taken into account under this subsection for any period before the first day of the first taxable year to which an election under this subsection applies.

(F) In the case of any building, no qualified rehabilitation expenditures shall be taken into account under this subsection for the earlier of—

(i) the taxable year in which the building is placed in service, or

(ii) the first taxable year for which recapture is required under section 50(a)(2) with respect to such property, or for any taxable year thereafter.

(4) For purposes of this subsection, the term "self-rehabilitated building" means any building if it is reasonable to believe that more than half of the qualified rehabilitation expenditures for such building will be made directly by the taxpayer.

(5) This subsection shall apply to any taxpayer only if such taxpayer has made an election under this paragraph. Such an election shall apply to the taxable year for which made and all subsequent taxable years. Such an election, once made, may be revoked only with the consent of the Secretary.

Native American Graves Protection and Repatriation Act

This Act became law on November 16, 1990 (Public Law 101-601; 25 U.S.C. 3001 et seq.) and has been amended twice. This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the law as the "Act" rather than to the "subchapter" or the "title" of the Code.

28 U.S.C. 3001 Definitions

Section 2

For purposes of this Act, the term—

(1) "burial site" means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited.

(2) "cultural affiliation" means that there is a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group.

(3) "cultural items" means human remains and—

(A) "associated funerary objects" which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a Federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects.

(B) "unassociated funerary objects" which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of

the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe,

(C) "sacred objects" which shall mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents, and

(D) "cultural patrimony" which shall mean an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group.

(4) "Federal agency" means any department, agency, or instrumentality of the United States. Such term does not include the Smithsonian Institution.

(5) "Federal lands" means any land other than tribal lands which are controlled or owned by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971 [43 U.S.C. 1601 et seq.].

(6) "Hui Malama I Na Kupuna O Hawai'i Nei" means the nonprofit, Native Hawaiian organization incorporated under the laws of the State of Hawaii by that name on April 17, 1989, for the purpose of providing guidance and expertise in decisions dealing with Native Hawaiian cultural issues, particularly burial issues.

(7) "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pur-

suant to, the Alaska Native Claims Settlement Act) [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(8) "museum" means any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items. Such term does not include the Smithsonian Institution or any other Federal agency.

(9) "Native American" means of, or relating to, a tribe, people, or culture that is indigenous to the United States.

(10) "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

(11) "Native Hawaiian organization" means any organization which—

(A) serves and represents the interests of Native Hawaiians,

(B) has as a primary and stated purpose the provision of services to Native Hawaiians, and

(C) has expertise in Native Hawaiian Affairs, and shall include the Office of Hawaiian Affairs and Hui Malama I Na Kupuna O Hawai'i Nei.

(12) "Office of Hawaiian Affairs" means the Office of Hawaiian Affairs established by the constitution of the State of Hawaii.

(13) "right of possession" means possession obtained with the voluntary consent of an individual or group that had authority of alienation. The original acquisition of a Native American unassociated funerary object, sacred object or object of cultural patrimony from an Indian tribe or Native Hawaiian organization with the voluntary consent of an individual or group with authority to alienate such

object is deemed to give right of possession of that object, unless the phrase so defined would, as applied in section 7(c) of this Act [25 U.S.C. 3005(c)], result in a Fifth Amendment taking by the United States as determined by the United States Court of Federal Claims pursuant to 28 U.S.C. 1491 in which event the "right of possession" shall be as provided under otherwise applicable property law. The original acquisition of Native American human remains and associated funerary objects which were excavated, exhumed, or otherwise obtained with full knowledge and consent of the next of kin or the official governing body of the appropriate culturally affiliated Indian tribe or Native Hawaiian organization is deemed to give right of possession to those remains.

(14) "Secretary" means the Secretary of the Interior.

(15) "tribal land" means—

(A) all lands within the exterior boundaries of any Indian reservation;

(B) all dependent Indian communities;

(C) any lands administered for the benefit of Native Hawaiians pursuant to the Hawaiian Homes Commission Act, 1920 [42 Stat. 108], and section 4 of Public Law 86-3 [note preceding 48 U.S.C. 491].

25 U.S.C. 3002
Ownership and Relinquishment of discovered remains and cultural items

Section 3

(a) The ownership or control of Native American cultural items which are excavated or discovered on Federal or tribal lands after November 16, 1990, shall be (with priority given in the order listed)—

(1) in the case of Native American human remains and associated funerary objects, in the lineal descendants of the Native American; or

(2) in any case in which such lineal descendants cannot be ascertained, and in the case of unassociated funerary objects, sacred objects, and objects of cultural patrimony—

(A) in the Indian tribe or Native Hawaiian organization on whose tribal land such objects or remains were discovered;

(B) in the Indian tribe or Native Hawaiian organization which has the closest cultural affiliation with such remains or objects and which, upon notice, states a claim for such remains or objects; or

(C) if the cultural affiliation of the objects cannot be reasonably ascertained and if the objects were discovered on Federal land that is recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims as the aboriginal land of some Indian tribe—

(1) [sic] in the Indian tribe that is recognized as aboriginally occupying the area in which the objects were discovered, if upon notice, such tribe states a claim for such remains or objects, or

(2) [sic] if it can be shown by a preponderance of the evidence that a different tribe has a stronger cultural relationship with the remains or objects than the tribe or organization specified in paragraph (1), in the Indian tribe that has the strongest demonstrated relationship, if upon notice, such tribe states a claim for such remains or objects.

(b) Native American cultural items not claimed under subsection (a) of this section shall be disposed of in accordance with regulations promulgated by the Secretary in consultation with the review committee established under section 8 of this Act [25 U.S.C. 3006], Native American groups, representatives of museums and the scientific community.

(c) The intentional removal from or excavation of Native American cultural items from Federal or tribal lands for purposes of discovery, study, or removal of such items is permitted only if—

(1) such items are excavated or removed pursuant to a permit issued under section 4 of the Archaeological Re-

sources Protection Act of 1979, as amended, [16 U.S.C. 470cc] which shall be consistent with this Act;

(2) such items are excavated or removed after consultation with or, in the case of tribal lands, consent of the appropriate (if any) Indian tribe or Native Hawaiian organization;

(3) the ownership and right of control of the disposition of such items shall be as provided in subsections (a) and (b) of this section; and

(4) proof of consultation or consent under paragraph (2) is shown.

(d)(1) Any person who knows, or has reason to know, that such person has discovered Native American cultural items on Federal or tribal lands after November 16, 1990, shall notify, in writing, the Secretary of the Department, or head of any other agency or instrumentality of the United States, having primary management authority with respect to Federal lands and the appropriate Indian tribe or Native Hawaiian organization with respect to tribal lands, if known or readily ascertainable, and, in the case of lands that have been selected by an Alaska Native Corporation or group organized pursuant to the Alaska Native Claims Settlement Act of 1971 [43 U.S.C. 1601 et seq.], the appropriate corporation or group. If the discovery occurred in connection with an activity, including (but not limited to) construction, mining, logging, and agriculture, the person shall cease the activity in the area of the discovery, make a reasonable effort to protect the items discovered before resuming such activity, and provide notice under this subsection. Following the notification under this subsection, and upon certification by the Secretary of the department or the head of any agency or instrumentality of the United States or the appropriate Indian tribe or Native Hawaiian organization that notification has been received, the activity may resume after 30 days of such certification.

(2) The disposition of and control over any cultural items excavated or removed under this subsection shall be determined as provided for in this section.

(3) If the Secretary of the Interior consents, the responsibilities (in whole or in part) under paragraphs (1) and (2) of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary with respect to any land managed by such other Secretary or agency head.

(e) Nothing in this section shall prevent the governing body of an Indian tribe or Native Hawaiian organization from expressly relinquishing control over any Native American human remains, or title to or control over any funerary object, or sacred object.

18 U.S.C. 1170
Illegal trafficking in Native American human remains and cultural items

Section 4

(a) Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new section: Section 1170

"(a) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit, the human remains of a Native American without the right of possession to those remains as provided in the Native American Graves Protection and Repatriation Act shall be fined in accordance with this title, or imprisoned not more than 12 months, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years, or both."

"(b) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit any Native American cultural items obtained in violation of the Native American Graves Protection and Repatriation Act shall be fined in accordance with this title, imprisoned not more than one year, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years, or both."

(b) The table of contents for chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new item: "1170, Illegal Trafficking in Native American Human Remains and Cultural Items."

25 U.S.C. 3003
Federal agency inventory for human remains and associated funary objects

Section 5

(a) Each Federal agency and each museum which has possession or control over holdings or collections of Native American human remains and associated funerary objects shall compile an inventory of such items and, to the extent possible based on information possessed by such museum or Federal agency, identify the geographical and cultural affiliation of such item.

(b)(1) The inventories and identifications required under subsection (a) of this section shall be—

(A) completed in consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders;

(B) completed by not later than the date that is 5 years after November 16, 1990, [the date of enactment of this Act], and

(C) made available both during the time they are being conducted and afterward to a review committee established under section 8 of this Act [25 U.S.C. 3006].

(2) Upon request by an Indian tribe or Native Hawaiian organization which receives or should have received notice, a museum or Federal agency shall supply additional available documentation to supplement the information required by subsection (a) of this section. The term "documentation" means a summary of existing museum or Federal agency records, including inventories or catalogues, relevant studies, or other pertinent data for the limited purpose of determining the geographical origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American human remains and associated funerary objects subject to this section. Such term does not mean, and this Act shall not be construed

to be an authorization for, the initiation of new scientific studies of such remains and associated funerary objects or other means of acquiring or preserving additional scientific information from such remains and objects.

(c) Any museum which has made a good faith effort to carry out an inventory and identification under this section, but which has been unable to complete the process, may appeal to the Secretary for an extension of the time requirements set forth in subsection (b)(1)(B) of this section. The Secretary may extend such time requirements for any such museum upon a finding of good faith effort. An indication of good faith shall include the development of a plan to carry out the inventory and identification process.

(d)(1) If the cultural affiliation of any particular Native American human remains or associated funerary objects is determined pursuant to this section, the Federal agency or museum concerned shall, not later than 6 months after the completion of the inventory, notify the affected Indian tribes or Native Hawaiian organizations.

(2) The notice required by paragraph (1) shall include information—

(A) which identifies each Native American human remains or associated funerary objects and the circumstances surrounding its acquisition;

(B) which lists the human remains or associated funerary objects that are clearly identifiable as to tribal origin; and

(C) which lists the Native American human remains and associated funerary objects that are not clearly identifiable as being culturally affiliated with that Indian tribe or Native Hawaiian organization, but which, given the totality of circumstances surrounding acquisition of the remains or objects, are determined by a reasonable belief to be remains or objects culturally affiliated with the Indian tribe or Native Hawaiian organization.

(3) A copy of each notice provided under paragraph (1) shall be sent to the Secretary who shall publish each notice in the Federal Register.

(e) For the purposes of this section, the term "inventory" means a simple itemized list that summarizes the information called for by this section.

25 U.S.C. 3004
Summary for unassociated funerary objects, sacred objects, and cultural patrimony

Section 6

(a) Each Federal agency or museum which has possession or control over holdings or collections of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony shall provide a written summary of such objects based upon available information held by such agency or museum. The summary shall describe the scope of the collection, kinds of objects included, reference to geographical location, means and period of acquisition and cultural affiliation, where readily ascertainable.

(b)(1) The summary required under subsection (a) of this section shall be—

(A) in lieu of an object-by-object inventory;

(B) followed by consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders; and

(C) completed by not later than the date that is 3 years after November 16, 1990, [the date of enactment of this Act].

(2) Upon request, Indian Tribes and Native Hawaiian organizations shall have access to records, catalogues, relevant studies or other pertinent data for the limited purposes of determining the geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American objects subject to this section. Such information shall be provided in a reasonable manner to be agreed upon by all parties.

Native American Graves Protection and Repatriation Act

25 U.S.C. 3005
Repatriation of Native American human remains and objects possessed or controlled by Federal agencies and museums

Section 7

(a)(1) If, pursuant to section 5 of this Act [25 U.S.C. 3003], the cultural affiliation of Native American human remains and associated funerary objects with a particular Indian tribe or Native Hawaiian organization is established, then the Federal agency or museum, upon the request of a known lineal descendant of the Native American or of the tribe or organization and pursuant to subsections (b) and (e) of this section, shall expeditiously return such remains and associated funerary objects.

(2) If, pursuant to section 6 of this Act [25 U.S.C. 3004], the cultural affiliation with a particular Indian tribe or Native Hawaiian organization is shown with respect to unassociated funerary objects, sacred objects or objects of cultural patrimony, then the Federal agency or museum, upon the request of the Indian tribe or Native Hawaiian organization and pursuant to subsections (b), (c) and (e) of this section, shall expeditiously return such objects.

(3) The return of cultural items covered by this Act shall be in consultation with the requesting lineal descendant or tribe or organization to determine the place and manner of delivery of such items.

(4) Where cultural affiliation of Native American human remains and funerary objects has not been established in an inventory prepared pursuant to section 5 of this Act [25 U.S.C. 3003], or the summary pursuant to section 6 of this Act [25 U.S.C. 3004], or where Native American human remains and funerary objects are not included upon any such inventory, then, upon request and pursuant to subsections (b) and (e) of this section and, in the case of unassociated funerary objects, subsection (c) of this section, such Native American human remains and funerary objects shall be expeditiously returned where the requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological,

linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion.

(5) Upon request and pursuant to subsections (b), (c) and (e) of this section, sacred objects and objects of cultural patrimony shall be expeditiously returned where—

(A) the requesting party is the direct lineal descendant of an individual who owned the sacred object;

(B) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the tribe or organization; or

(C) the requesting Indian tribe or Native Hawaiian organization can show that the sacred object was owned or controlled by a member thereof, provided that in the case where a sacred object was owned by a member thereof, there are no identifiable lineal descendants of said member or the lineal descendants, upon notice, have failed to make a claim for the object under this Act.

(b) If the lineal descendant, Indian tribe, or Native Hawaiian organization requests the return of culturally affiliated Native American cultural items, the Federal agency or museum shall expeditiously return such items unless such items are indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States. Such items shall be returned by no later than 90 days after the date on which the scientific study is completed.

(c) If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects or objects of cultural patrimony pursuant to this Act and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Federal agency or museum did not have the right of possession, then such agency or museum shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.

(d) Any Federal agency or museum shall share what information it does possess regarding the object in question with the known lineal descendant, Indian tribe, or Native Hawaiian organization to assist in making a claim under this section.

(e) Where there are multiple requests for repatriation of any cultural item and, after complying with the requirements of this Act, the Federal agency or museum cannot clearly determine which requesting party is the most appropriate claimant, the agency or museum may retain such item until the requesting parties agree upon its disposition or the dispute is otherwise resolved pursuant to the provisions of this Act or by a court of competent jurisdiction.

(f) Any museum which repatriates any item in good faith pursuant to this Act shall not be liable for claims by an aggrieved party or for claims of breach of fiduciary duty, public trust, or violations of state law that are inconsistent with the provisions of this Act.

25 U.S.C. 3006
Committee to review and monitor the implementation of federal agency inventories and activities

Section 8

(a) Within 120 days after November 16, 1990, the Secretary shall establish a committee to monitor and review the implementation of the inventory and identification process and repatriation activities required under sections 5, 6 and 7 of this Act [25 U.S.C. 3003, 3004, and 3005].

(b)(1) The Committee established under subsection (a) of this section shall be composed of 7 members,

(A) 3 of whom shall be appointed by the Secretary from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders with at least 2 of such persons being traditional Indian religious leaders;

(B) 3 of whom shall be appointed by the Secretary from nominations submitted by national museum organizations and scientific organizations; and

(C) 1 who shall be appointed by the Secretary from a list of persons developed and consented to by all of

the members appointed pursuant to subparagraphs (A) and (B).

(2) The Secretary may not appoint Federal officers or employees to the committee.

(3) In the event vacancies shall occur, such vacancies shall be filled by the Secretary in the same manner as the original appointment within 90 days of the occurrence of such vacancy.

(4) Members of the committee established under subsection (a) of this section shall serve without pay, but shall be reimbursed at a rate equal to the daily rate for GS-18 of the General Schedule for each day (including travel time) for which the member is actually engaged in committee business. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5 [United States Code].

(c) The committee established under subsection a) of this section shall be responsible for—

(1) designating one of the members of the committee as chairman;

(2) monitoring the inventory and identification process conducted under sections 5 and 6 of this Act [25 U.S.C. 3003 and 3004] to ensure a fair, objective consideration and assessment of all available relevant information and evidence;

(3) upon the request of any affected party, reviewing and making findings related to—

(A) the identity or cultural affiliation of cultural items, or

(B) the return of such items;

(4) facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to

the return of such items including convening the parties to the dispute if deemed desirable;

(5) compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum and recommending specific actions for developing a process for disposition of such remains;

(6) consulting with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the work of the committee affecting such tribes or organizations;

(7) consulting with the Secretary in the development of regulations to carry out this Act;

(8) performing such other related functions as the Secretary may assign to the committee; and

(9) making recommendations, if appropriate, regarding future care of cultural items which are to be repatriated.

(d) Any records and findings made by the review committee pursuant to this Act relating to the identity or cultural affiliation of any cultural items and the return of such items may be admissible in any action brought under section 15 of this Act [25 U.S.C. 3013].

(e) The committee shall make the recommendations under paragraph (c)(5) of this section in consultation with Indian tribes and Native Hawaiian organizations and appropriate scientific and museum groups.

(f) The Secretary shall ensure that the committee established under subsection (a) of this section and the members of the committee have reasonable access to Native American cultural items under review and to associated scientific and historical documents.

(g) The Secretary shall—

(1) establish such rules and regulations for the committee as may be necessary, and

(2) provide reasonable administrative and staff support necessary for the deliberations of the committee.

(h) The committee established under subsection (a) of this section shall submit an annual report to the Congress on the progress made, and any barriers encountered, in implementing this section during the previous year.

(i) The committee established under subsection (a) of this section shall terminate at the end of the 120-day period beginning on the day the Secretary certifies, in a report submitted to Congress, that the work of the committee has been completed.

25 U.S.C. 3007
Penalties for museums which fail to comply with this Act

Section 9

(a) Any museum that fails to comply with the requirements of this Act may be assessed a civil penalty by the Secretary of the Interior pursuant to procedures established by the Secretary through regulation. A penalty assessed under this subsection shall be determined on the record after opportunity for an agency hearing. Each violation under this subsection shall be a separate offense.

(b) The amount of a penalty assessed under subsection (a) of this section shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—

(1) the archaeological, historical, or commercial value of the item involved;

(2) the damages suffered, both economic and noneconomic, by an aggrieved party, and

(3) the number of violations that have occurred.

(c) If any museum fails to pay an assessment of a civil penalty pursuant to a final order of the Secretary that has been issued under subsection (a) of this section and not appealed or after a final judgment has been rendered on appeal of such order, the Attorney General may institute a civil action in an appropriate district court of the United States to col-

lect the penalty. In such action, the validity and amount of such penalty shall not be subject to review.

(d) In hearings held pursuant to subsection (a) of this section, subpoenas may be issued for the attendance and testimony of witnesses and the production of relevant papers, books, and documents. Witnesses so summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

25 U.S.C. 3008
Grants to tribes and museums

Section 10

(a) The Secretary is authorized to make grants to Indian tribes and Native Hawaiian organizations for the purpose of assisting such tribes and organizations in the repatriation of Native American cultural items.

(b) The Secretary is authorized to make grants to museums for the purpose of assisting the museums in conducting the inventories and identification required under sections 5 and 6 of this Act [25 U.S.C. 3003 and 3004].

25 U.S.C. 3009
Act limitations

Section 11

Nothing in this Act shall be construed to—

(1) limit the authority of any Federal agency or museum to—

(A) return or repatriate Native American cultural items to Indian tribes, Native Hawaiian organizations, or individuals, and

(B) enter into any other agreement with the consent of the culturally affiliated tribe or organization as to the disposition of, or control over, items covered by this Act;

(2) delay actions on repatriation requests that are pending on November 16, 1990;

(3) deny or otherwise affect access to any court;

(4) limit any procedural or substantive right which may otherwise be secured to individuals or Indian tribes or Native Hawaiian organizations; or

(5) limit the application of any State or Federal law pertaining to theft or stolen property

25 U.S.C. 3010
Special relationship between the Federal Government and Indian tribes and Native Hawaiian organizations

Section 12

This Act reflects the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations and should not be construed to establish a precedent with respect to any other individual, organization or foreign government.

25 U.S.C. 3011
Regulations

Section 13

The Secretary shall promulgate regulations to carry out this Act within 12 months of November 16, 1990.

25 U.S.C. 3012
Authorization of appropriations

Section 14

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

25 U.S.C. 3013
Judicial jurisdiction and enforcement

Section 15

The United States district courts shall have jurisdiction over any action brought by any person alleging a violation of this Act and shall have the authority to issue such orders as may be necessary to enforce the provisions of this Act.

National Underground Railroad Network to Freedom

The National Underground Railroad Network to Freedom Act (Pub. L. 105-203 section 5, 54 U.S.C. 3083 et. seq.) was passed in 1990 and has been amended once. In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

54 U.S.C. 308301
Definition

[Added 2014] Definition

In this chapter, the term "national network" means the National Underground Railroad Network to Freedom established under section 308302 [of title 54].

Pub. L. 105-203, 1
Short Title

Section 1

[Not repealed but omitted from title 54]

This Act may be cited as the ''National Underground Railroad Network to Freedom Act of 1998''.

Pub. L. 105-203, 2
Findings

Section 2

[Not repealed but omitted from title 54]

(a) Findings— The Congress finds the following:

(1) The Underground Railroad, which flourished from the end of the 18th century to the end of the Civil War, was one of the most significant expressions of the American civil rights movement during its evolution over more than three centuries.

(2) The Underground Railroad bridged the divides of race, religion, sectional differences, and nationality; spanned State lines and international borders; and joined the American ideals of liberty and freedom expressed in the Declaration of Independence and the Constitution to the extraordinary actions of ordinary men and women working in common purpose to free a people.

(3) Pursuant to [section 100507 of title 54], the Underground Railroad Advisory Committee conducted a study of the appropriate means of establishing an enduring national commemorative Underground Railroad program of education, example, reflection, and reconciliation.

(4) The Underground Railroad Advisory Committee found that—

(A) although a few elements of the Underground Railroad story are represented in existing National Park Service units and other sites, many sites are in imminent danger of being lost or destroyed, and many important resource types are not adequately represented and protected;

(B) there are many important sites which have high potential for preservation and visitor use in 29 States, the District of Columbia, and the Virgin Islands;

(C) no single site or route completely reflects and characterizes the Underground Railroad, since its story and associated resources involve networks and regions of the country rather than individual sites and trails; and

(D) establishment of a variety of partnerships between the Federal Government and other levels of government and the private sector would be most appropriate for the protection and interpretation of the Underground Railroad.

(5) The National Park Service can play a vital role in facilitating the national commemoration of the Underground Railroad.

(6) The story and significance of the Underground Railroad can best engage the American people through a national program of the National Park Service that links historic buildings, structures, and sites; routes, geographic areas, and corridors; interpretive centers, museums, and institutions; and programs, activities, community projects, exhibits, and multimedia materials, in a manner that is both unified and flexible.

54 U.S.C. 308301 note
Purposes

(b) PURPOSES— The purposes of this Act are the following:

(1) To recognize the importance of the Underground Railroad, the sacrifices made by those who used the Under-

ground Railroad in search of freedom from tyranny and oppression, and the sacrifices made by the people who helped them.

(2) To authorize the National Park Service to coordinate and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the Underground Railroad, its significance as a crucial element in the evolution of the national civil rights movement, and its relevance in fostering the spirit of racial harmony and national reconciliation.

54 U.S.C. 308302
National Underground Railroad Network to Freedom Program

Section 3

(a) ESTABLISHMENT, RESPONSIBILITIES OF SECRETARY— The Secretary [of the Interior] shall establish in the [National Park] Service the National Underground Railroad Network to Freedom. Under the national network, the Secretary shall—

(1) produce and disseminate appropriate educational materials, such as handbooks, maps, interpretive guides, or electronic information;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and

(3) create and adopt an official, uniform symbol or device for the national network and issue regulations for its use.

(b) ELEMENTS—The national network shall encompass the following elements:

(1) All [National Park] Service units determined by the Secretary to pertain to the Underground Railroad.

(2) Other Federal, State, local, and privately owned properties pertaining to the Underground Railroad that have a verifiable connection to the Underground Railroad and that are included on, or determined by the Secretary to be eligible for inclusion on, the National Register of Historic Places.

(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the Underground Railroad.

(c) Cooperative Agreements and Memoranda of Understanding— To achieve the purposes of this [Act] and to ensure effective coordination of the Federal and non-Federal elements of the national network with System units and programs of the [National Park] Service, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance—

(1) to the heads of other Federal agencies, States, localities, regional governmental bodies, and private entities; and

(2) in cooperation with the Secretary of State, the governments of Canada, Mexico, and any appropriate country in the Caribbean.

54 U.S.C. 308303
Preservation and Interpretation of Underground Railroad history, historic sites, and structures

Section 4

(a) Authority to Make Grants—The Secretary [of the Interior] may make grants in accordance with this section for the preservation and restoration of historic buildings or structures associated with the Underground Railroad, and for related research and documentation to sites, programs, or facilities that have been included in the national network.

(b) Grant Conditions— Any grant made under this section shall

provide that—

(1) no change or alteration may be made in property for which the grant is used except with the agreement of the property owner and the Secretary;

(2) the Secretary shall have the right of access at reasonable times to the public portions of such property for interpretive and other purposes; and

(3) conversion, use, or disposal of the property for purposes contrary to the purposes of this [Act], as determined by the Secretary, shall result in a right of the United States to compensation equal to all Federal funds made available to the grantee under this Act.

(c) Matching Requirement— The Secretary may obligate funds made available for a grant under this section only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal to or greater than the grant. The Secretary may waive the requirement if the Secretary determines that an extreme emergency exists or that such a waiver is in the public interest to ensure the preservation of historically significant resources.

Intermodal Surface Transportation Efficiency Act

SELECTIONS: SCENIC BYWAYS PROGRAM

This Act became law on December 18, 1991 (Public Law 102-240; 23 U.S.C. 101(a)(35) [Transportation Enhancement Activities]; 23 U.S.C. 101 (note) [Scenic Byways Program]; 23 U.S.C. 109(b), (c), and (p) [National Highway System, Scenic and Historic Values]. It was amended by Public Law 105-178 (1998) [Transportation Equity Act for the 21st Century, TEA 21]. This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the law as the "Act" rather than to the "subchapter" or the "title" of the Code.

23 U.S.C. 109
Federal-aid highways, standards

23 U.S.C. 109(p)
Scenic and historic values

Section 1016(f)(1)(A)

[Sections 1016(f)(A)(a) through (o) omitted]

(p) Notwithstanding subsections (b) and (c) [of 23 U.S.C. 109], the Secretary may approve a project for the National Highway System if the project is designed to—

(1) allow for the preservation of environmental, scenic, or historic values;

(2) ensure safe use of the facility; and

(3) comply with subsection (a) [of 23 U.S.C. 109].

[Remainder of Section 1016 and Section 1017 through Section 1046 omitted].

23 U.S.C. 101 note
Scenic Byways Program and Scenic Byways Advisory Committee

Section 1047

(a)(1) Not later than 180 days after the enactment of this Act [Dec. 18, 1991, the Secretary shall establish in the Department of Transportation an advisory committee to assist the Secretary with respect to establishment of a national scenic byways program under title 23, United States Code.

(2) The advisory committee established under this section shall be composed of 17 members as follows:

(A) The Administrator of the Federal Highway Administration or the designee of the Administrator who shall serve as chairman of the advisory committee.

(B) The Chief of the Forest Service of the Department of Agriculture or the designee of the Chief.

(C) The Director of the National Park Service of the Department of the Interior or the designee of the Director.

(D) The Director of the Bureau of Land Management of the Department of the Interior or the designee of the Director.

(E) The Under Secretary for Travel and Tourism of the Department of Commerce or the designee of the Under Secretary.

(F) The Assistant Secretary for Indian Affairs of the Department of the Interior or the designee of the Assistant Secretary.

(G) 1 individual appointed by the Secretary who is specially qualified to represent the interests of conservationists on the advisory committee.

(H) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent the interests of recreational users of scenic byways on the advisory committee.

(I) 1 individual appointed by the Secretary who is specially qualified to represent the interests of the tourism industry on the advisory committee.

(J) 1 individual appointed by the Secretary who is specially qualified to represent the interests of historic preservationists on the advisory committee.

(K) 1 individual appointed by the Secretary who is specially qualified to represent the interests of highway users on the advisory committee.

(L) 1 individual appointed by the Secretary to represent State highway and transportation officials.

(M) 1 individual appointed by the Secretary to represent local highway and transportation officials.

(N) 1 individual appointed by the Secretary who is specially qualified to serve on the advisory committee as a planner.

(O) 1 individual appointed by the Secretary who is specially qualified to represent the motoring public.

(P) 1 individual appointed by the Secretary who is specially qualified to represent groups interested in scenic preservation.

(Q) 1 individual appointed by the Secretary who represents the outdoor advertising industry.

Individuals appointed as members of the advisory committee under subparagraphs (G) through (P) may be State and local government officials. Members shall serve without compensation other than for reasonable expenses incident to functions of the advisory committee.

(3) The advisory committee established under this subsection shall develop and make to the Secretary recommendations regarding minimum criteria for use by State and Federal agencies in designating highways as scenic byways and as all-American roads for purposes of a national scenic byways program to be established under title 23, United States Code. Such recommendations shall include recommendations on the following:

(A) Consideration of the scenic beauty and historic significance of highways proposed for designation as scenic byways and all-American roads and the areas surrounding such highways.

(B) Operation and management standards for highways designated as scenic byways and all-American roads, including strategies for maintaining or improving the qualities for which a highway is designated as a scenic byway or all-American road, for protecting and enhancing the landscape and view corridors surrounding such a highway, and for minimizing traffic congestion on such a highway.

(C)(i) Standards for scenic byway-related signs, including those which identify highways as scenic byways and all-American roads.

(ii) The advisability of uniform signs identifying highways as components of the scenic byway system.

(D) Standards for maintaining highway safety on the scenic byway system.

(E) Design review procedures for location of highway facilities, landscaping, and travelers' facilities on the scenic byway system.

(F) Procedures for reviewing and terminating the designation of a highway designated as a scenic byway.

(G) Such other matters as the advisory committee may deem appropriate.

(H) Such other matters for which the Secretary may request recommendations.

[Remainder of Subsection 1047(a) and Subsections (b) through (f) omitted]

(g) The Secretary shall not make a grant under this section for any project which would not protect the scenic, historic, recreational, cultural, natural, and archeological integrity of the highway and adjacent area. The Secretary may not use more than 10 percent of the funds authorized for each fiscal year under subsection (f)(5) for removal of any outdoor advertising sign, displays, or device.

American Battlefield Protection Act

This Act became law on November 12 (Public Law 104-333, 54 U.S.C. 3081 et. seq.). It has been amended once. See 16 U.S.C. 469k notes for the Congressional findings and purposes associated with the establishment of Section (d), the Battlefield acquisition grant program. In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

58 U.S.C. 3081
American Battlefield Protection Program

54 U.S.C. 308101 note
Purpose

Section 604

The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice

54 U.S.C. 308102
Preservation assistance

(b)(1) In General— Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) Financial assistance— To carry out subsection (a) the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) Authorization of appropriations— There are authorized to be appropriated $3,000,000 annually to carry out this subsection, to remain available until expended.

*54 U.S.C. 308103
Battlefield acquisition grant program
*54 U.S.C. 308103(a)
Eligible site definition

(d)(1)(C) Definition— In this section, the term "eligible site" means a site—

(i) that is not within the exterior boundaries of a unit [of the National Park System]; and

(ii) that is identified in the document entitled "Report on the Nation's Civil War Battlefields", prepared by the Civil War Cites Advisory Commission, and dated July 1993.

54 U.S.C. 308101
Secretary

(D) In this chapter, the term "Secretary" means the Secretary of the Interior, acting through the American Battlefield Protection Program

*54 U.S.C. 308103(b)
Establishment

(2) ESTABLISHMENT— The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

*54 U.S.C. 308103(c)
Nonprofit partners

(3) NONPROFIT PARTNERS— An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

*54 U.S.C. 308103(d)
Nonfederal share

(4) NON-FEDERAL SHARE— The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

*54 U.S.C. 308103(e)
Limitations on land use

(5) LIMITATION ON LAND USE— An interest in an eligible site acquired under this subsection shall be subject to section 200305(f)(3)[of title 54] [section 6(f)(3) of the Land and Water Conservation Fund Act of 1965].

*54 U.S.C. 308103 note
Battlefield Report

(6) REPORT.—Not later than 5 years after the date of the enactment of this paragraph, the Secretary shall submit to Congress a report on the activities carried out under this subsection, including a description of—

(A) preservation activities carried out at the battlefields and associated sites identified in the battlefield report during the period between publication of the battlefield report and the report required under this paragraph;

(B) changes in the condition of the battlefields and associated sites during that period; and

(C) any other relevant developments relating to the battlefields and associated sites during that period.

*54 U.S.C. 308103(f)

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section $10,000,000 for each of fiscal years 2012 and 2013

*54 U.S.C. 308103 note
Prohibition on Lobbying

(8) PROHIBITION ON LOBBYING.—None of the funds provided pursuant to this section shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress.

National Maritime Heritage Act

The National Maritime Heritage Act (Pub. L. 103-451 section 7, 54 U.S.C. 3087 et. seq.) was passed in 1994. In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

Pub. L. 103-451 Section 1
Short Title

Section 1

This Act may be cited as the "National Maritime Heritage Act of 1994."

Pub. L. 103-451 Section 2
Findings

Section 2

The Congress finds and declares the following:

(1) The United States is a nation with a rich maritime history, and it is desirable to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation's history and culture.

(2) The maritime historical and cultural foundations of the Nation should be preserved as a part of our community life and development.

(3) National, State, and local groups have been working independently to preserve the maritime heritage of the United States.

(4) Historic resources significant to the Nation's maritime heritage are being lost or substantially altered, often inadvertently, with increasing frequency.

(5) The preservation of this irreplaceable maritime heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, and economic benefits will be maintained and enriched for future generations of Americans.

(6) The current governmental and nongovernmental historic preservation programs and activities are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich maritime heritage of our Nation.

(7) A coordinated national program is needed immediately to redress the adverse consequences of a period of indifference during which the maritime heritage of the United

States has become endangered and to ensure the future preservation of the Nation's maritime heritage.

(8) A national maritime heritage policy would greatly increase public awareness of, and participation in, the preservation of the Nation's maritime heritage.

54 U.S.C. 308701
Policy

Section 3

It shall be the policy of the Federal Government, in partnership with the States and local governments and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic maritime resources can exist in productive harmony;

(2) provide leadership in the preservation of the historic maritime resources of the United States;

(3) contribute to the preservation of historic maritime resources and give maximum encouragement to organizations and individuals undertaking preservation by private means; and

(4) assist State and local governments to expand their maritime historic preservation programs and activities.

54 U.S.C. 308703
Grants

Section 4

(a) ESTABLISHMENT.— There is hereby established within the Department of the Interior the National Maritime Heritage Grants Program, to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation's history and culture. The Program shall consist of—

(1) annual grants to the National Trust for subgrants administered by the National Trust for maritime heritage education projects under subsection (b); and

(2) grants to State Historic Preservation Officers for maritime heritage preservation projects carried out or administered by those Officers under subsection (c).

(b) Grants for Maritime Heritage Education Projects.—

(1) Grants to National Trust.— The Secretary, subject to paragraph (2), and the availability of amounts for that purpose under section 308704(b)(1)(A) [of title 54] [section 6(b)(1)(A) of this Act], shall make an annual grant to the National Trust for maritime heritage education projects.

(2) Use of Grants.— Amounts received by the National Trust as an annual grant under this subsection shall be used to make subgrants to State and local governments and private nonprofit organizations to carry out education projects that have been approved by the Secretary under subsection (f) and that consist of—

(A) assistance to any maritime museum or historical society for—

(i) existing and new educational programs, exhibits, educational activities, conservation, and interpretation of artifacts and collections;

(ii) minor improvements to educational and museum facilities; and

(iii) other similar activities;

(B) activities designed to encourage the preservation of traditional maritime skills, including—

(i) building and operation of vessels of all sizes and types for educational purposes;

(ii) special skills such as wood carving, sail making, and rigging;

(iii) traditional maritime art forms; and

(iv) sail training;

(C) other educational activities relating to historic maritime resources, including—

(i) maritime educational waterborne-experience programs in historic vessels or vessel reproductions;

(ii) maritime archaeological field schools; and

(iii) educational programs on other aspects of maritime history;

(D) heritage programs focusing on maritime historic resources, including maritime heritage trails and corridors; or

(E) the construction and use of reproductions of historic maritime resources for educational purposes, if a historic maritime resource no longer exists or would be damaged or consumed through direct use.

(c) Grants for Maritime Heritage Preservation Projects.—

(1) Grants to State Historic Preservation Offices.— The Secretary, acting through the National Maritime Initiative of the [National Park] Service and subject to paragraph (2), and the availability of amounts for that purpose under section 308704(b)(1)(B) [of title 54] [section 6(b)(1)(B) of this Act], shall make grants to State Historic Preservation Officers for maritime heritage preservation projects.

(2) Use of Grants.— Amounts received by a State Historic Preservation Officer as a grant under this subsection shall be used by the Officer to carry out or to make subgrants to local governments and private nonprofit organizations to carry out, projects which have been approved by the Secretary under subsection (f) for the preservation of historic maritime resources through—

(A) identification of historic maritime resources, including underwater archaeological sites;

(B) acquisition of historic maritime resources for the purposes of preservation;

(C) repair, restoration, stabilization, maintenance, or other capital improvements to historic maritime re-

sources, in accordance with standards prescribed by the Secretary; and

(D) research, recording (through drawings, photographs, or otherwise), planning (through feasibility studies, architectural and engineering services, or otherwise), and other services carried out as part of a preservation program for historic maritime resources.

(d) Criteria for Direct Grant and Subgrant Eligibility.—To qualify for a subgrant from the National Trust under subsection (b), or a direct grant to or a subgrant from a State Historic Preservation Officer under subsection (c), a person must—

(1) demonstrate that the project for which the direct grant or subgrant will be used has the potential for reaching a broad audience with an effective educational program based on American maritime history, technology, or the role of maritime endeavors in American culture;

(2) match the amount of the direct grant or subgrant, on a 1- to-1 basis, with non-Federal assets from non-Federal sources, which may include cash or donated services fairly valued as determined by the Secretary;

(3) maintain records as may be reasonably necessary to fully disclose—

(A) the amount and the disposition of the proceeds of the direct grant or subgrant;

(B) the total cost of the project for which the direct grant or subgrant is made; and

(C) other records as may be required by the Secretary, including such records as will facilitate an effective accounting for project funds;

(4) provide access to the Secretary for the purposes of any required audit and examination of records of the person; and

(5) be a unit of State or local government, or a private nonprofit organization.

(e) Procedures, Terms, and Conditions.—

(1) Application Procedures.— An application for a subgrant under subsection (b), or a direct grant or subgrant under subsection (c), shall be submitted under procedures prescribed by the Secretary.

(2) Terms and Conditions.— A person may not receive a subgrant under subsection (b), or a direct grant or subgrant under subsection (c), unless the person has agreed to assume, after completion of the project for which the direct grant or subgrant is awarded, the total cost of the continued maintenance, repair, and administration of any property for which the subgrant will be used in a manner satisfactory to the Secretary.

(f) Allocation of, and Limitation on, Grant Funding.—

(2) Allocation.— To the extent feasible, the Secretary shall ensure that the amount made available under subsection (b) for maritime heritage education projects is equal to the amount made available under subsection (c) for maritime heritage preservation projects.

(3) Limitation.— The amount provided by the Secretary in a fiscal year as grants under this section for projects relating to historic maritime resources owned or operated by the Federal Government shall not exceed 40 percent of the total amount available for the fiscal year for grants under this section.

(g) Publication of Direct Grant and Subgrant Information.—The Secretary shall publish annually in the Federal Register and otherwise as the Secretary considers appropriate—

(1) a solicitation of applications for direct grants and subgrants under this section;

(2) a list of priorities for the making of those direct grants and subgrants;

(3) a single deadline for the submission of applications for those direct grants and subgrants; and

(4) other relevant information.

(h) Direct Grant and Subgrant Administration.—

(1) Responsibility.—

(A) National Trust.— The National Trust is responsible for administering subgrants for maritime heritage education projects under subsection (b).

(B) Secretary.— the Secretary is responsible for administering direct grants for maritime heritage preservation projects under subsection (c).

(C) State Historic Preservation Officers.— State Historic Preservation Officers are responsible for administering subgrants for maritime heritage preservation projects under subsection (c).

(2) Actions.— The appropriate responsible party under paragraph (1) shall administer direct grants or subgrants by

(A) publicizing the Program to prospective grantees, subgrantees, and to the public at large, in cooperation with the [National Park] Service, the Maritime Administration, and other appropriate government agencies and private institutions;

(B) answering inquiries from the public, including providing information on the Program as requested;

(C) distributing direct grant and subgrant applications;

(D) receiving direct grant and subgrant applications and ensuring their completeness;

(E) keeping records of all direct grant and subgrant awards and expenditures of funds;

(F) monitoring progress of projects carried out with direct grants and subgrants; and

(G) providing to the Secretary such progress reports as may be required by the Secretary.

(i) Assistance of Maritime Preservation Organizations.— The Secretary, the National Trust, and the State Historic Preservation Officers may, individually or jointly, enter into cooperative agreements with any private nonprofit organization with appropriate expertise in maritime preservation issues, or other qualified maritime preservation organizations, to assist in the administration of the Program.

(j) Report to Congress.— The Secretary shall submit to Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Armed Services of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives, an annual report on the Program, including—

(1) the total number of grant applications submitted and approved under the Program in the period covered by the report;

(2) a detailed description of each project funded under the Program in the period covered by the report;

(3) the results or accomplishments of each such project; and

(4) recommended priorities for achieving the policy set forth in section 308701 [of title 54] [section 3 of this Act].

[Repealed]
Advisory Committee

Section 5

[Repealed as obsolete. Created committee that terminated on 9/30/2000.]

54 U.S.C. 308704
Funding

Section 6

(a) Availability of Funds From Sale and Scrapping of Obsolete Vessels.—

(1) In General.— Notwithstanding any other provision of law, the amount of funds credited in a fiscal year to the Vessel Operations Revolving Fund established by section 50301(a) of title 46 that is attributable to the sale of obsolete vessels in the National Defense Reserve Fleet that are scrapped or sold under section 57102, 57103, or 57104 of title 46 [section 508 of the Merchant Marine Act]shall be available until expended as follows:

(A) Fifty percent shall be available to the Administrator of the Maritime Administration for such acquisition, maintenance, repair, reconditioning, or improvement of vessels in the National Defense Reserve Fleet as is authorized under other Federal law.

(B) Twenty five percent shall be available to the Administrator of the Maritime Administration for the payment or reimbursement of expenses incurred by or on behalf of State maritime academies or the United States Merchant Marine Academy for facility and training ship maintenance, repair, and modernization, and for the purchase of simulators and fuel.

(C) The remainder shall be available to the Secretary to carry out the Program, as provided in subsection (b).

(b) Use Of Amounts for Program.—

(1) Allocation—

(A) In General.— Except as provided in subparagraph (B) and paragraph (2), of amounts available each fiscal year for the Program under subsection (a)(1)(C)—

(i) 50 percent shall be used for grants under section 308703(b) [of title 54] [section 4(b) of this Act]; and

(ii)50 percent shall be used for grants under section 308703(c) [of title 54] [section 4(c) of this Act].

(B) Set Aside.—

(i) In General.— Not less than 25 percent of the amounts available each fiscal year for the Program

under subsection (a)(1)(C) shall be used for the preservation and presentation to the public of the maritime heritage property of the Maritime Administration.

(ii) Direct Transfers.— The Secretary may provide amounts used for the preservation and presentation to the public of the maritime heritage property of the Maritime Administration through direct transfers to the Maritime Administration.

(iii) Waiver.— The Maritime Administrator may waive the application of clause (i) for any fiscal year.

(2) Administrative Expenses.—

(A) In General.— Not more than 15 percent or $500,000, whichever is less, of the amount available for the Program under subsection (a)(1)(C) for a fiscal year may be used for expenses of administering the Program.

(B) Allocation.— Of the amount available under subparagraph (A) for a fiscal year—

(i) one half shall be allocated to the National Trust for expenses incurred in administering grants under section308703 [of title 54] [section 4(b) of this Act]; and

(ii) one half shall be allocated as appropriate by the Secretary to the [National Park] Service and participating State Historic Preservation Officers.

(c) Disposals of Vessels.—

(1) Requirement.— The Secretary of Transportation shall dispose (by sale or by purchase of disposal services) of all vessels described in paragraph (2)—

(A) in accordance with a priority system for disposing of vessels, ad determined by the Secretary, that shall include provisions requiring the Maritime Adminstration to—

(i) dispose of all deteriorated high priority ships that are available for disposal within 12 months of their designation as available for disposal; and

(ii) in accordance with the plan of the Department of Transportation for disposal of those vessels and requirements under sections 57102 and 57104 of title 46.

(B) in the manner that provides the best value to the Federal Government, except in any case in which obtaining the best value would require towing a vessel and the towing poses a serious threat to the environment; and

(C) in accordance with the plan of the Department of Transportation for disposal of those vessels and requirements under sections 57102 to 57104 of title 46 [Merchant Marine Act].

(2) Description of Vessels.— The vessels referred to in paragraph (1) are the vessels in the National Defense Reserve Fleet after July 1, 1994, that—

(A) are not assigned to the Ready Reserve Force component of the National Defense Reserve Fleet; and

(B) are not specifically authorized or required by statute to be used for a particular purpose.

(d) Treatment Of Available Amounts.— Amounts available under this section shall not be considered in any determination of the amounts available to the Department of the Interior.

54 U.S.C. 308702
Definitions

Section 7

In this Act:

(1) National Trust.—The term "National Trust" means the National Trust for Historic Preservation established under section 312102 [of title 54].

(2) Private Nonprofit Organization.— The term "private nonprofit organization" means any person that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)) and described in section 501(c)(3) of that Code (26 U.S.C. 501(c)(3)).

(3) Program.— The term "Program" means the National Maritime Heritage Grants Program established by section 4(a).

(4) State Historic Preservation Officer.— The term "State Historic Preservation Officer" means a State Historic Preservation Officer appointed pursuant to section 302301(1) [of title 54] [section 101(b)(1)(A) of the National Historic Preservation Act] by the chief executive of a State having a State Historic Preservation Program approved by the Secretary under that section.

54 U.S.C. 308706
Regulations

Section 8

The Secretary, after consultation with the National Trust, the National Conference of State Historic Preservation Officers, and appropriate members of the maritime heritage community, shall promulgate appropriate guidelines, procedures, and regulations to carry out the [Act], including direct grant and subgrant priorities, the method of solicitation and review of direct grant and subgrant proposals, criteria for review of direct grant and subgrant proposals, administrative requirements, reporting and recordkeeping requirements, and any other requirements the Secretary considers appropriate.

54 U.S.C. 308707
Applicability of Other Authorities

Section 9

The authorities contained in this [Act] shall be in addition to, and shall not be construed to supersede or modify those contained in [the National Historic Preservation Act (54 U.S.C. 300101 et. seq.)]

[Remainder of Act Omitted]

54 U.S.C. 308705
Maritime Museum Designation

[Added 2014]

(a) In General.— America's National Maritime Museum shall be comprised of those museums designated by law to

be museums of America's National Maritime Museum on the basis that the museums—

(1) house a collection of maritime artifacts clearly representing the Nation's maritime heritage; and

(2) provide outreach programs to educate the public about the Nation's maritime heritage.

(b) Initial Designation Of Museums.— The following museums (meeting the criteria specified in subsection (a)) are hereby designated as museums of America's National Maritime Museum:

(1) The Mariners' Museum, located at 100 Museum Drive, Newport News, Virginia.

(2) The South Street Seaport Museum, located at 207 Front Street, New York, New York.

(c) Future Designation of Other Museums Not Precluded.— The designation of the museums referred to in subsection (b) as museums of America's National Maritime Museum does not preclude the designation by law of any other museum that meets the criteria specified in subsection (a) as a museum of America's National Maritime Museum.

Save America's Treasures

Save America's Treasures (Pub. L. 111-11, 54 U.S.C. 3089 et. seq.) was originally created in 1998 and continued for nearly two decades. In 2009 a new Originating Act for the program was passed by congress, but economic recession prompted the elimination of the grants in 2010. This Act was included in the 2014 creation of title 54, and the grant program was reinstated starting in fiscal year 2018. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

54 U.S.C. 308901
Definitions

Sec. 7303

(b) Definitions.— In this [Act]:

(1) Collection— The term ''collection'' means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) Eligible Entity— The term ''eligible entity'' means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) Historic Property— The term ''historic property'' has the meaning given the term in section 300308 [of title 54] [section 301 of the National Historic Preservation Act] .

(4) Nationally Significant— The term ''nationally significant,'' in reference to a collection or historic property, means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 302103 [of title 54] [section 101(a)(2) of the National Historic Preservation Act].

(5) Program— The term ''program'' means the Save America's Treasures Program established under section 308902(a) [of title 54] [subsection (c)(1) of this Act].

(6) Secretary— The term ''Secretary'' means the Secretary [of the Interior], acting through the Director [of the National Park Service].

54 U.S.C. 308902
Establishment

(c) Establishment—

(1) In General— There is established in the Department of the Interior the Save America's Treasures program.

In consultation and partnership with the National Endowment for the Arts, the National Endowment for the Hu-

manities, the Institute of Museum and Library Services, the National Trust for Historic Preservation in the United States, the National Conference of State Historic Preservation Officers, the National Association of Tribal Historic Preservation Officers, and the president's Committee on the Arts and Humanities, the Secretary shall use the amounts made available under section 308905 [of title 54] [subsection 3 of this Act] to provide grants to eligible entities for projects to preserve nationally significant collections and historic property.

54 U.S.C. 308903
Grants

(2) Determination of Grants— Of the amounts made available for grants under section 308905 [of title 54] [subsection (e) of this Act], not less than 50 percent shall be made available for grants for projects to preserve collections and historic property, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under [paragraph (5]).

(3) Applications for Grants— To be considered for a grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) Collections and Historic Properties Eligible for Competitive Grants—

(A) In General— A collection or historic property shall be provided a grant under the program only if the Secretary determines that the collection or historic property is—

(i) nationally significant; and

(ii) threatened or endangered.

(B) Eligible Collections— A determination by the Secretary regarding the national significance of a collection under [subparagraph (A)(i)] shall be made in consultation with the organizations described in section 308902(b) [of title 54] [subsection (a)], as appropriate.

(C) Eligible Historic Properties— To be eligible for a grant under the program, a historic property shall, as of the date of the grant application—

(i) be listed in the National Register of Historic Places at the national level of significance; or

(ii) be designated as a National Historic Landmark.

(5) Selection Criteria—

(A) In General— The Secretary shall not provide a grant under this [Act] to a project for an eligible collection or historic property unless the project—

(i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(ii) has a clear public benefit; and

(iii) is able to be completed on schedule and within the budget described in the grant application.

(B) Preference— In providing grants under this [section], the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) Limitation— In providing grants under this [section], the Secretary shall only provide only one grant to each eligible project selected for a grant.

(6) Consultation And Notification By Secretary—

(A) Consultation—

(i) In General— Subject to [clause (ii)], the Secretary shall consult with the organizations described in section 308902(b) [of title 54] [subsection (a) of this Act] in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) Limitation— If an organization described in 308902(b) [of title 54] [subsection (a) of this Act]

has submitted an application for a grant under the program, the organization shall be recused by the Secretary from the consultation requirements under [section 308903(e)(1)(A) of title 54] [clause i above] and section 308902(b) [of title 54] [paragraph (1) of this section].

(B) NOTIFICATION— Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, and the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) COST-SHARING REQUIREMENT—

(A) IN GENERAL— The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE— The non-Federal share required under [subparagraph (A)] shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT— The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under [subparagraph (A)] before a grant is provided to the eligible project under the program.

54 U.S.C. 308904
Guidelines and Regulations

(d) The Secretary shall develop any guidelines and prescribe any regulations that the Secretary determines to be necessary to carry out this [Act].

54 U.S.C. 308905
Authorization of Appropriations

(e) There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year, to remain available until expended.

Preserve America

Preserve America (Pub. L. 111-11 7302, 54 U.S.C. 3111 et. seq.) was established in 2003 through an executive order, and was permanently authorized by congress in 2009. In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

Pub. L. 111-11, 7302(a)
[not repealed but omitted from title 54]

(a) PURPOSE— The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

54 U.S.C. 311101
Definitions

(b) DEFINITIONS— In this [section]:

(1) COUNCIL— The term "Council" means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM— The term "heritage tourism" means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM— The term "program" means the Preserve America Program established under section 311102(a) [of title 54] [subsection (c)(1) of this Act].

54 U.S.C. 311102
Establishment

(c) ESTABLISHMENT—

(1) IN GENERAL— There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under section 311103 [of title 54] [subsection (d) of this Act]), Indian tribes, communities designated as Preserve

America Communities under section 311103 [of title 54] [subsection (d) of this Act], State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) Eligible Projects—

(A) In General— The following projects shall be eligible for a grant under this [section]:

(i) A project for the conduct of—

(I) research on, and documentation of, the history of a community; and

(II) surveys of the historic resources of a community.

(ii) An education and interpretation project that conveys the history of a community or site.

(iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(v) A project to support heritage tourism in a Preserve America Community designated under section 311103 [of title 54] [subsection (d) of this Act].

(vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this [section].

(B) Limitation— In providing grants under this [section], the Secretary shall provide only one grant to each eligible project selected for a grant.

(3) Preference— In providing grants under this [section], the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(4) Consultation and Notification—

(A) Consultation— The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) Notification— Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(5) Cost-Sharing Requirement—

(A) In General— The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) Form Of Non-Federal Share— The non-Federal share required under [subparagraph (A)] shall be in the form of—

(i) cash; or

(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) Requirement— The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under [subparagraph (A)] before a grant is provided to the eligible project under the program.

54 U.S.C. 311103
Designation of Preserve America Communities

(d) Designation of Preserve America Communities.—

(1) Application— To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) Criteria— To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under [paragraph (1)] shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) Local Governments Previously Certified for Historic Preservation Activities— The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 302502 [of title 54] [section 101(c)(1) of the National Historic Preservation Act].

(4) Guidelines— The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

54 U.S.C. 311104
Regulations

(e) Regulations— The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this [section].

54 U.S.C. 311105
Authorization of Appropriations

(f) AUTHORIZATION OF APPROPRIATIONS— There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year, to remain available until expended.

Sunken Military Craft Act

This portion (Division A, Title XIV) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, is commonly known as the Sunken Military Craft Act. It became law on October 28, 2004 (Public Law 108-375, 10 U.S.C. 113 Note and 118 Stat. 2094-2098) This version of the Act follows the organization and structure of the original document while using the updated language from the U.S. Code except that it refers to the "Act" rather than to the "subchapter" or the "title" of the code.

10 U.S.C. 113 Note
Preservation of title to sunken military craft and associated contents

Section 1401

Right, title, and interest of the United States in and to any United States sunken military craft—

(1) shall not be extinguished except by an express divestiture of title by the United States; and

(2) shall not be extinguished by the passage of time, regardless of when the sunken military craft sank.

Prohibitions

Section 1402

(a) No person shall engage in or attempt to engage in any activity directed at a sunken military craft that disturbs, removes, or injures any sunken military craft, except—

(1) as authorized by a permit under this Act;

(2) as authorized by regulations issued under this Act; or

(3) as otherwise authorized by law.

(b) No person may possess, disturb, remove, or injure any sunken military craft in violation of—

(1) this section; or

(2) any prohibition, rule, regulation, ordinance, or permit that applies under any other applicable law.

(c) Limitations on Application—

(1) This section shall not apply to actions taken by, or at the direction of, the United States.

(2) This section shall not apply to any action by a person who is not a citizen, national, or resident alien of the United States, except in accordance with—

(A) generally recognized principles of international law;

(B) an agreement between the United States and the foreign country of which the person is a citizen; or

(C) in the case of an individual who is a crew member or other individual on a foreign vessel or foreign aircraft, an agreement between the United States and the flag State of the foreign vessel or aircraft that applies to the individual.

(3) This section does not prohibit the loan of United States sunken military craft in accordance with regulations issued by the Secretary concerned.

Permits

Section 1403

(a) The Secretary concerned may issue a permit authorizing a person to engage in an activity otherwise prohibited by section 1402 with respect to a United States sunken military craft, for archaeological, historical, or educational purposes, in accordance with regulations issued by such Secretary that implement this section.

(b) The Secretary concerned shall require that any activity carried out under a permit issued by such Secretary under this section must be consistent with all requirements and restrictions that apply under any other provision of Federal law.

(c) In carrying out this section (including the issuance after the date of the enactment of this Act [Oct. 28 2004] of regulations implementing this section), the Secretary concerned shall consult with the head of each Federal agency having authority under Federal law with respect to activities directed at sunken military craft or the locations of such craft.

(d) At the request of any foreign State, the Secretary of the Navy, in consultation with the Secretary of State, may carry out this section (including regulations promulgated pursuant to this section) with respect to any foreign sunken military craft of that foreign State located in United States waters.

Penalties

Section 1404

(a) Any person who violates this Act, or any regulation or permit issued under this Act, shall be liable to the United States for a civil penalty under this section.

(b) The Secretary concerned may assess a civil penalty under this section, after notice and an opportunity for a hearing, of not more than $100,000 for each violation

(c) Each day of a continued violation of this Act or a regulation or permit issued under this Act shall constitute a separate violation for purposes of this section.

(d) A vessel used to violate this title shall be liable in rem for a penalty under this section for such violation.

(e) If the Secretary concerned determines that there is an imminent risk of disturbance of, removal of, or injury to any sunken military craft, or that there has been actual disturbance of, removal of, or injury to a sunken military craft, the Attorney General, upon request of the Secretary concerned, may seek such relief as may be necessary to abate such risk or actual disturbance, removal, or injury and to return or restore the sunken military craft. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

(f) An action to enforce a violation of section 1402 or any regulation or permit issued under this title may not be brought more than 8 years after the date on which—

(1) all facts material to the right of action are known or should have been known by the Secretary concerned; and

(2) the defendant is subject to the jurisdiction of the appropriate district court of the United States or administrative forum.

Liability for Damages

Section 1405

(a) Any person who engages in an activity in violation of section 1402 or any regulation or permit issued under this

Act that disturbs, removes, or injures any United States sunken military craft shall pay the United States enforcement costs and damages resulting from such disturbance, removal, or injury.

(b) Damages referred to in subsection (a) may include—

(1) the reasonable costs incurred in storage, restoration, care, maintenance, conservation, and curation of any sunken military craft that is disturbed, removed, or injured in violation of section 1402 or any regulation or permit issued under this Act; and

(2) the cost of retrieving, from the site where the sunken military craft was disturbed, removed, or injured, any information of an archaeological, historical, or cultural nature.

Relationship to other laws

Section 1406

(a) Except to the extent that an activity is undertaken as a subterfuge for activities prohibited by this Act, nothing in this Act is intended to affect—

(1) any activity that is not directed at a sunken military craft; or

(2) the traditional high seas freedoms of navigation, including—

(A) the laying of submarine cables and pipelines;

(B) operation of vessels;

(C) fishing; or

(D) other internationally lawful uses of the sea related to such freedoms.

(b) This Act and any regulations implementing this Act shall be applied in accordance with generally recognized principles of international law and in accordance with the treaties, conventions, and other agreements to which the United States is a party.

(c) The law of finds shall not apply to—

(1) any United States sunken military craft, wherever located; or

(2) any foreign sunken military craft located in United States waters.

(d) No salvage rights or awards shall be granted with respect to—

(1) any United States sunken military craft without the express permission of the United States; or

(2) any foreign sunken military craft located in United States waters without the express permission of the relevant foreign state.

(e) Nothing in this Act is intended to alter the international law of capture or prize with respect to sunken military craft.

(f) Nothing in sections 4281 through 4287 and 4289 of the Revised Statutes (46 U.S.C. App. 181 et seq.) or section 3 of the Act of February 13, 1893 (chapter 105; 27 Stat. 445; 46 U.S.C. App. 192), shall limit the liability of any person under this section.

(g) Nothing in this Act is intended to preclude or limit the application of any other law enforcement authorities of the Commandant of the Coast Guard.

(h) Nothing in this Act shall invalidate any prior delegation, authorization, or related regulation that is consistent with this Act.

(i) Nothing in this Act is intended to prevent the United States from pursuing criminal sanctions for plundering of wrecks, larceny of Government property, or violation of any applicable criminal law.

Agreements with other nations

Section 1407

The Secretary of State, in consultation with the Secretary of Defense, is encouraged to negotiate and conclude bilateral

and multilateral agreements with foreign countries with regard to sunken military craft consistent with this Act.

Definitions

Section 1408

In this Act:

(1) The term "associated contents" means—

(A) the equipment, cargo, and contents of a sunken military craft that are within its debris field; and

(B) the remains and personal effects of the crew and passengers of a sunken military craft that are within its debris field.

(2) The term "Secretary concerned" means—

(A) subject to subparagraph (B), the Secretary of a military department; and

(B) in the case of a Coast Guard vessel, the Secretary of the Department in which the Coast Guard is operating.

(3) The term "sunken military craft" means all or any portion of—

(A) any sunken warship, naval auxiliary, or other vessel that was owned or operated by a government on military noncommercial service when it sank;

(B) any sunken military aircraft or military spacecraft that was owned or operated by a government when it sank; and

(C) the associated contents of a craft referred to in subparagraph (A) or (B), if title thereto has not been abandoned or transferred by the government concerned.

(4) The term "United States contiguous zone" means the contiguous zone of the United States under Presidential Proclamation 7219, dated September 2, 1999.

(5) The term "United States internal waters" means all waters of the United States on the landward side of the baseline from which the breadth of the United States territorial sea is measured.

(6) The term "United States territorial sea" means the waters of the United States territorial sea under Presidential Proclamation 5928, dated December 27, 1988.

(7) The term "United States waters" means United States internal waters, the United States territorial sea, and the United States contiguous zone.

National Women's Rights History Project

The National Women's Rights History Project Act (Pub. L. 111-11 7111, 54 U.S.C. 308501 et. seq.) was passed in 2009. In 2014, Congress reorganized all laws regarding the National Park Service, including this Act, by moving them to Title 54 of the U.S. Code. For more information about this change and how it affects this document, please see the Editors' Note on Title 54 in the front of this book.

54 U.S.C. 308501
National Women's Rights History Project Registry

Section 1

(a) In General.—The Secretary [of the Interior] may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women's rights history properties.

(b) Eligibility.—In making grants under subsection (a), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women's rights movement, such as politics, economics, education, religion, and social and family rights.

(c) Updates.—The Secretary shall ensure that the National Register travel itinerary website entitled ''Places Where Women Made History'' is updated to contain—

(1) the results of the inventory conducted under paragraph (1); and

(2) any links to websites related to places on the inventory.

(d) Cost-Sharing Requirement.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(e) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2012 and 2013.

54 U.S.C. 308502
Partnerships Network

Section 2

(a) Grants.—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this subsection as the ''network''), the purpose of which is to provide interpretive and educational program develop-

ment of national women's rights history, including historic preservation.

(b) Management of Network.—

(1) In General.—Through a competitive process, the Secretary shall designate a nongovernmental managing entity to manage the network.

(2) Coordination.—The nongovernmental managing entity designated under paragraph (1) shall work in partnership with the Director [of the National Park Service] and State historic preservation offices to coordinate operation of the network.

(c) Cost-Sharing Requirement.—

(1) In General.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(2) State Historic Preservation Offices.—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal 2012 and 2013.

Pictured: Observation tower at Antietam National Battlefield in Washington County, Maryland. Since its creation in 1991, the American Battlefield Protection Program has helped preserve hundreds of battlefields like this one through a combination of grants and technical assistance. Photograph by Renee Bieretz courtesy of the Historic American Buildings Survey.

Appendix

Selected Regulations and Standards from the Code of Federal Regulations (CFR) Related to Historic Preservation. Full text is available at www.ecfr.gov.

CFR Location	Subject
23 CFR Part 771	Environmental Impact and Related Procedures for the Department of Transportation
26 CFR Part 1.48-12	Income Tax: Investment Tax Credit for Qualified Rehabilitation Expenditures
26 CFR Part 1.170A-14	Income tax: Qualified Conservation Contributions
36 CFR Part 60	National Register of Historic Places
36 CFR Part 61	Procedures for State, Tribal, and Local Government Historic Preservation Program
36 CFR Part 63	Determinations of Eligibility for Inclusion in the National Register of Historic Places
36 CFR Part 65	National Historic Landmarks Program
36 CFR Part 67	Historic Preservation Tax Incentive Certifications
36 CFR Part 68	The Secretary of the Interior's Standards for the Treatment of Historic Properties
35 CFR Part 73	World Heritage Convention
36 CFR Part 78	Waiver of Federal Agency Responsibilities Under Section 110 of the National Historic Preservation Act
36 CFR Part 79	Curation of Federally Owned and Administered Archaeological Collections
36 CFR Part 800	Protection of Historic Properties – Advisory Council on Historic Preservation
40 CFR Parts 1500-1517	Council on Environmental Quality
41 CFR Part 101-17	Assignment and Utilization of Space – General Services Administration
41 CFR Part 101-20	Management of Buildings and Grounds – General Services Administration
43 CFR Part 3	Preservation of American Antiquities
43 CFR Part 7	Protection of Archaeological Resources
43 CFR Part 10	Native American Graves Protection and Repatriation Act

Index

A

Abandoned Shipwreck Act, 193, 194, 195, 196, 197
access rights, 194
accountability standards, 50
acquisitions, property, 12, 15, 16, 22, 32, 61, 68, 89, 93, 122, 136, 165, 168, 171, 187, 188, 212, 213, 217, 218, 219, 237, 238, 243, 248
ADA (Americans with Disabilities) Act, 26
adaptive reuse, 76, 118, 165, 167, 169
adverse effects, 73, 74, 75, 76, 88, 111, 125, 126, 132, 139, 149, 150, 153, 156, 240
advertising, outdoor, 235, 236
Advisory Board, National Park System, 17, 21, 27, 33
Advisory Council, National Park Service, 21
Advisory Council on Historic Preservation
  appeals role, 47
  membership and administration, 2, 79–89
  Section 106 consultation, 57, 59, 70, 93
  Section 110 consultation, 62, 74, 94
  Section 111 consultation, 76
  shipwrecks, guidelines consultation, 195
  SHPO cooperation, 51
  Transportation, Department of, consultation, 166
  tribal consultation, 58
  World Heritage participation, 110
agencies, Federal, responsibilities, 71–75
Agriculture, Secretary of, 8, 62, 79, 124, 184, 186
aircraft, 264
airline ticket offices, 166
Alaska Native Claims Settlement Act, 89, 175, 211, 212, 215
Aleuts, 172
all-American roads, 235
American Battlefield Protection Act, 237–239
American Indian Religious Freedom Act, 172, 184
American Indians, 172. *See also* Indian Tribes, Native Americans
American Samoa, 38, 88, 136, 154, 193, 194
Americans with Disabilities Act (ADA), 26
Amtrak Improvement Act, 165–169
Antiquities Act, 7–8, 27, 111, 177
antiquity, objects of, 7, 8, 273
appeals, National Register, 43, 44, 45, 46, 47, 49, 55, 91
appropriations, 7, 9, 16, 22, 35, 36, 38, 60, 65, 67, 69, 70, 85, 86, 88, 92, 95, 105, 109, 115, 116, 164, 167, 168, 188, 211, 227, 237, 239, 256, 257, 260, 262, 270, 271
aquaculture facilities, 152, 163
Archaeological Resources Protection Act, 48, 193, 214
archaeology. *See* Archeological Resources Protection Act; Archeological and Historic Preservation Act, *See also* Archeological Recovery Act
  collections, 273
  excavations, 8, 78
  professionals, 77, 79, 90, 91, 107
  research, 77, 264
  resources, 8, 15, 16, 17, 52, 77, 173–186, 273
Archeological and Historic Preservation Act, 34–39
Archeological Recovery Act, 34
archeology. *See* archaeology
Architect of the Capitol, 79
architects and architecture professionals, 77, 79, 90, 91, 107
architectural historians, 91
Army, Secretary of, 8
arrowheads, 179, 180
Attorney General (US), 30
audits, 28, 50, 244
awards program, 75

B

barrier islands, 151
battlefields, 237–239
beaches, 151, 153, 155
Board of Trustees, National Trust, 29, 30
building arts, defined, 95
Bureau of Land Management, 234
burial site, defined, 210. *See also* Native American Graves Protection and Repatriation Act

Index

C

Canada, 154, 162, 231
Capitol building, 70
capture or prize, law of, 267
certified local governments, 2, 44, 55, 66, 75, 91
certified rehabilitation, 199, 205
civil penalties, 148, 176, 180, 180–182, 225, 265
claims, repatriation, 214, 222
Coastal Nonpoint Pollution Control Program, 159
coastal zone enhancement objective, defined, 162
coastal zone management, 140, 149–164
Coastal Zone Management Act, 149–164
Coast Guard, 105, 145, 267, 268
Coast Guard Authorization Act of 1998, 98
colleges/universities, 8, 63, 115–117
Columbia River Basin Treaty, 162
commemoration, 15–16, 94, 187–188, 228–230
Commerce, Secretary/Department of, 121, 136, 154, 195, 234
Compact of Free Association, 61
compatible uses, 27, 113, 139
compensation
  board/committee, 18–19, 31, 83–84, 235
  damage, 36–37
  delays in construction, 36–37
concessions, 16
condemnation of property, 158
confidential information, 93, 183
conflict resolution, 150, 158, 223
Congressional committees
  Appropriations (House and Senate), 88
  Committee on Commerce, Science, and Transportation (Senate), 139, 247
  Committee on Energy and Natural Resources (Senate), 10, 13, 39, 88, 110, 184, 187, 247, 256, 260
  Committee on Natural Resources (House), 39, 88, 110, 184, 187, 247, 256, 260
  Committee on Resources (House), 10, 13, 139
Congressional findings, 41, 105, 134, 149–153, 173, 193, 228, 237, 240
Congressional resolutions, 11
conservation, 9, 63, 89, 135–138, 200
conservation contribution, defined, 199
conservationists, 77, 91, 234
construction delays, 36–37
consultants/experts, 38, 84, 166
contiguous zone (US), 268–269
contracts, 16–17, 20, 32, 38, 49–53, 58, 67–68, 76–77, 109, 237
conveyance of properties, 23, 25, 27–28, 68, 98–104
cooperative agreements
  associations/organizations, 16, 22, 32, 38, 51, 109, 247
  battlefields, 237
  corporations, 16, 32, 38
  educational/scientific institutions, 22, 38, 51, 109
  governmental, 16, 22, 32, 38, 109
  individuals, 16, 22, 32, 38
  light stations/lighthouses, 99
  National Museum for Building Arts, 94, 94–95
  tribes, 58, 109
Cooperative Park Study Units, 108
corporations, special, 13–14
costs
  damage, 136–137, 266
  legal, 94
  project, 38–39, 64–65, 69, 74, 141, 166–168
  response, 39
Council on Environmental Quality, 130, 132, 273
covenants, 103–105
criteria, National Register/Historic Landmarks, 43–44
cultural affiliation, 210, 214, 217–220, 223–224
cultural anthropology, 90–91
cultural authorities, tribal, 58
cultural environment, 111
cultural heritage, 1, 60, 118
cultural items, defined, 210–211. *See also* Native American cultural items; sacred sites and objects; traditional cultural properties
cultural park, defined, 90

Index

cultural patrimony, defined, 211
curation, 47, 60, 63, 89–91, 107, 137, 146, 178, 266, 273

D

dams, construction of, 34
databases, 52, 77, 185
data recovery, 35–36
debt obligation, 69
deed restrictions, 25, 28
defense, national, 149, 152, 263–269
Defense, Secretary/Department of, 62, 140–141, 145, 184–186, 267
demolition, 73, 75
Demonstration Cities and Metropolitan Development Act of 1966, 171
demonstration projects, 60
Department of Transportation Act (Section 4(f)), 124
Department of Transportation Act (Section 4(i)), 165–169
designation, defined, 55
development issues, 41, 118–121
disabilities, 26
disasters, natural, 36, 75
District of Columbia, 17, 23, 29–30, 38, 88, 94, 96, 136, 175, 180, 193, 229
districts, historic, 43, 47, 60, 89, 122, 201
documentation standards, 47, 217
donations/gifts, 29, 71, 78, 86, 93, 109, 120

E

easements, 78, 99, 110
ecology, 130, 133–139, 142, 146, 149, 151, 156, 158, 163
economic benefits, 41
education. *See* colleges/universities; training
  institutions, 8, 15, 22, 51, 82, 177–178
  opportunities, 12, 194, 264
  professional training, 63, 82
  programs, 17, 63, 94, 97
Education, Secretary of, 23
eligibility determinations, 44, 52, 169, 196
emergencies, 36, 75
energy development, 140, 149
Energy, Secretary of, 141
enforcement, 137, 139, 141, 145, 158, 182, 227, 266–267
engineering documentation and records, 15, 47
environmental impacts, 75, 131–133, 140, 273
Environmental Protection Agency, 141
environmental quality, 130, 233, 273
erosion, 149, 151, 156
Eskimos, 172
estuaries, 151
ethnic/minority groups, 60
exclusive economic zone, 136–137, 150
Executive Order No. 13006, 72
exemptions, 70, 75, 87, 128, 160, 178
experts/consultants, 38, 84, 166

F

Federal Advisory Committee Act, 20, 87
Federal Agency Preservation Officers, 74
Federal agency responsibility, 62, 71–76
Federal Financing Bank, 69
Federal Lands Highways Program, 124
Federal projects/properties, 34–35, 42, 51, 62, 70, 72, 74, 89, 111
Federal Property and Administrative Services Act, 23–28, 98
Federal Register, 3, 44, 46, 66, 96, 143, 195, 219, 245
financial/administrative services, 85
financial assistance, 35, 53, 58, 63, 89, 150, 165, 167–168, 237. *See also* grants, tax programs
finds, law of, 197, 267
fines/penalties, 7, 148, 176, 179, 182, 216
fishing/fishermen, 139–140, 149, 152, 163, 195, 266
flooding, 34
floodplains, 151
foreclosure, 68, 122
foreign policy, 133. *See also* international cooperation
Forest Service, Chief, 233
forests, national, 174
forfeitures, 182–183
fossil fuels, 149
funerary objects, 210, 213, 217–221

Index

G

General Services Administration, 23, 62, 94–95, 103, 170, 192, 273
gifts/donations, 29, 71, 78, 86, 93, 109, 120
global warming, 150
government, local. *See* certified local governments
  chief elected officials, 54–55
  cooperation with State and Federal agencies, 16, 42–54, 51, 155, 237, 241–242
  defined, 89
  historic preservation programs, 51
  ordinances, 157, 168
  review processes, 53–55, 62
  Section 106 participation, 87
government, state. *See* State Historic Preservation Officer/Offices
  governors, 49, 157, 171, 177, 183
  review processes, 49, 90–91
  State Historic Preservation Programs, 2, 48–58
government, tribal, 237. *See also* Indian tribes
grants
  application/administration, 64–65
  battlefields, 237–239
  certified local governments, 53, 54, 66
  coastal zone enhancement, 162–164
  direct, 60, 61, 244
  historically black colleges and universities, 115
  Historic Preservation Fund, 60, 61, 71, 195
  maritime heritage, 105, 241–252
  matching, 59, 61, 71, 95, 115, 232, 244
  National Trust, 60, 65, 241
  Native American Indian tribes, 60, 61, 226
  Native Hawaiian organizations, 61, 226
  rail terminal conversion, 166–169
  rehabilitation, 61
  religious properties, 61
  States, 53, 59, 60, 65, 157, 195, 241
  technology and training, 106–109
  Underground Railroad, 231–232
Great Lakes, 136, 149, 153–154, 163
Guam, 38, 88, 136, 154, 175, 193–194
guidelines
  protection/preservation, 77
  underwater resources, 195

H

habitat areas, 134–135, 138–139, 146, 149–151, 194, 200
Hawaiian Homes Commission Act, 213
Health and Human Services, Secretary of, 24
heritage, 41, 117–118, 121–122. *See also* cultural heritage
highway relocation, 34
Historic American Buildings Survey, 113
Historic American Engineering Record, 113
historic districts, 43, 47, 60, 89, 122, 201, 206
historic preservation, defined, 89
Historic Preservation Fund, 60–61, 67–71, 91–92, 116, 195
historic preservationists, 4, 60, 79, 82, 195, 234
historic resources, 1–2, 5, 41, 77, 240, 243, 258–259, 261. *See* specific resource types
Historic Sites Act, 1, 15–22
Historic Sites, Buildings, and Antiquities Act, 27
historic structure, certified, defined, 206
housing, 24–26
Housing and Urban Development, Secretary of, 24–26, 124
Hui Malama I Na Kupuna O Hawai'i Nei, 92, 211–212

I

incentives, financial, 52, 135, 273
Indian Affairs, 234
Indian lands, 175. *See* tribal lands
Indian tribes. *See* American Indians; Native American Graves Protection and Repatriation Act; Native Americans
  Advisory Council membership, 80
  archaeological excavation/removal, 177
  definitions, 175
  grants/loans, 60–61
  partners in preservation, 73, 118
  protection of cultural items, 78
  training and education programs, 82

Index

tribal preservation programs/officers, 56–57, 78
insurance contracts, 67
integrity of resources, 12, 166
interagency cooperation/coordination, 131, 142, 146, 159, 184, 264
Intergovernmental Cooperation Act of 1968, 161, 171
Interior, Secretary/Department of
standards for treatment of properties, 99, 273
surplus property transference, 24
Intermodal Surface Transportation Efficiency Act, 233–236
intermodal transport, 166, 233–236
Internal Revenue Code, 64, 199–202
Internal Revenue Code (Section 47), 202–209
internal waters, 269
International Boundary and Water Commission, 162
International Center/Centre for Study of Preservation and Restoration of Cultural Property, 86, 106–107
international cooperation, 42, 106, 153, 268
International Council on Monuments and Sites, 106
international law, 263, 266–267
internet resources, 3
interpretation, resource, 3, 63, 89, 106, 141, 195
inventories, 50, 54, 119, 155, 217–222
islands, barrier, 151
ISTEA. *See* Intermodal Surface Transportation Efficiency Act

J

Justice, Department of, 84

L

Land and Water Conservation Fund Act of 1965, 64, 238
landmarks, national, 7, 19, 43–44, 60, 74, 273
landscape architecture, 18, 77, 90–91, 95, 107
leadership, 42
leases, 16–17, 24–26, 32, 68, 76, 122, 142, 205
legal costs, 94
libraries, 169, 170
Library of Congress, 48, 73, 113
licenses/permits, 8, 16–17, 32, 34–39, 70, 74–75, 89, 142, 145, 147–148, 160–161, 175–177, 214, 263–266
light stations/lighthouses, 97–105
loans, 35, 60, 66–68, 75
looting, 173, 178–179
low-income housing, 25–26

M

Magnuson-Stevens Act, 136–140
management, program/property
agency jurisdiction, 12
archaeological sites, 16
coastal zones, 151–164
contracts, 76
Federal properties, 72
historic properties, general, 16, 89
marine sanctuary, 137–140
national monuments, 7
marine sanctuaries, 134–148
Marshall Islands, Republic of the, 61, 65, 88
mass transit, 165
McKinney-Vento Homeless Assistance Act, 98
memorandum of agreement, 59, 76
Mexico, 162, 231
Micronesian, Federated States of, 61–62, 65, 88
military craft, sunken, 263–269
mining and mineral extraction/development, 140, 149, 185, 199, 202
monuments, national, 7–8, 24, 27–28, 32
Moss-Bennett Act, 34
museums, 8, 16, 94–95, 103, 106–107, 176, 178, 210, 212, 214, 217–226

N

names of properties, historic, 43
National Center for Preservation Technology and Training, 63, 105–109
National Conference of State Historic Preservation Officers, 48, 79, 251, 254
National Endowment for the Arts, 166–169
National Environmental Policy Act, 13, 75, 111, 117, 126, 130–133, 140

Index

National Gallery of Art, Director, 30
National Highway System, 233
National Historic Landmarks, 19, 43–44, 60, 74, 273
National Historic Preservation Act, 1, 39, 128, 177, 193, 195, 251, 253, 261, 273
National Marine Sanctuaries Act, 134–148
National Maritime Heritage Act of 1994, 105, 240–252
National Maritime Heritage Grants Program, 105, 241, 251
National Museum of the Building Arts, 94–95
National Park Service, 7, 9–15, 21, 29, 34, 41, 90, 109, 114, 121, 187, 189, 195, 228–230, 233, 237, 240, 253, 258, 270–271
National Park Service Advisory Council, 21
National Park Service Organic Act, 9–14
National Park System, 1, 9–11, 17, 174, 237
National Park System Advisory Board, 17, 21, 27, 33
National Register of Historic Places. *See* National Historic Landmarks
  appeals, 44, 47
  certified local governments, 44
  criteria, 43–44
  defined, 89, 122, 170, 193
  designation, 43–44
  eligibility determinations, 44–45, 50, 52, 59, 112, 129, 230, 273
  funds for listed properties, 61, 66, 71, 76, 166–167, 169, 255
  nominations, 44–46, 49, 50, 52, 54–55, 59, 72–73, 113, 270
  notification requirements, 44, 46, 54
  owner participation, 47
  review processes, 59, 89–90
  Section 106 review, 76
  SHPO role, 46, 54
  tax benefits, 201, 206
  threatened properties, 10, 48
  website, 270
National Trust for Historic Preservation, 29–33, 42–43, 48, 60, 64–65, 79, 82, 92, 241–242, 244, 246–250, 254
National Wildlife Refuge System, 98, 174
Native American cultural items, 2, 73, 78, 212–216, 221, 224, 226
Native American Graves Protection and Repatriation Act, 73, 78, 210–227
Native American religious practices/leaders, 172, 211, 222
Native Americans, 63, 212. *See also* American Indians; Indian tribes
Native Hawaiian organizations, 42–43, 59, 61, 73, 108–109, 218–219, 222–224, 226–227
Native Hawaiians, 63, 78, 92, 172, 212–213
Natural Landmarks, Registry of, 10, 19
natural resources, 9, 13, 130, 138, 151, 153, 160, 194
naval auxiliary, 268
navigational aids, 99–101, 104
needs-based apportionment, 65–66
new areas study, 10–14
nominations, National Register, 44–46, 49, 50, 52, 54–55, 59, 72–73, 113, 270
nonprofit organizations, 26, 60, 108, 237, 242–243
Northern Mariana Islands, 38, 88, 136, 154, 193–194
Northwestern Hawaiian Islands National Marine Sanctuary, 144
Northwestern State University of Louisiana, 106
notification requirements, 34–35, 44, 54, 65, 110, 120, 160, 176, 215, 218

O

Office of Hawaiian Affairs, 92, 212
Office of Management and Budget, 88
Office of Personnel Management, 77
ordinances, 57, 156, 179, 263
Outer Continental Shelf Lands Act, 70, 150, 174
owner participation, 47, 110
ownership rights, 193–195

P

Pacific Islands, Trust Territory of, 61
Palau, 61, 65, 88
paleontological resources, 138, 174

Index

parks, national, 9
parks, public, 24, 124
parks, underwater, 194–195
partnerships, 1–3, 42, 117–118, 175, 195, 229, 237–238, 241, 253, 258, 270–271
pedestrians, 171
peer review, 50, 109
penalties/fines, 176, 180–181, 225, 265
permits/licenses, 8, 16–17, 32, 34–39, 70, 74–75, 89, 142, 145, 147–148, 160–161, 175–177, 214, 263–266
planning, comprehensive, 50, 64
planning, preservation, 56, 259
planning professionals, 77, 91, 95, 107, 234
policy, declarations, 15, 41–43, 124, 130, 135, 151, 155, 172, 194, 241
pollution, 150, 152, 159
population growth, 130, 149
ports, 152
prehistoric resources, 7
preservation, defined, 89
Preservation Technology and Training Board, 107
Preserve America, 117, 255, 258–262
private collections, 184–185
private individuals, 42, 184
private organizations, 42
proceeds, uses, 76, 105
proclamations, Presidential, 7, 268–269
professional qualifications/standards, 62, 77, 91, 109, 113
property disposal, 23–28, 31, 73
property values, 23, 24, 65
protection of resources, 16, 53, 78, 89, 135, 138
Public Buildings Cooperative Use Act, 170–171
public lands, 124, 173–179, 184–185, 193, 196
public participation, 11, 29, 49, 54, 82, 155
Puerto Rican Federal Relations Act, 154
Puerto Rico, 23, 38, 88, 136, 175, 193–194

R

railroad facilities and corridors, 165–169
railroad relocation, 34
real property interest, defined, 199
reconstruction, 204
recordkeeping, 69
recreation, 24–25, 28, 97, 100–101, 124–126, 134, 137–140, 149, 152, 200, 234–235
recycling, 131
reefs, 151
refuges, wildlife and waterfowl, 124
Regional Fishery Management Council, 140
Registry of Natural Landmarks, 10
regulations, 8–9, 17, 24–25, 31, 44–48, 56, 96–97, 117, 273
rehabilitation assistance, 51, 61, 202–209. *See also* tax programs
rehabilitation credit, 199–202, 202–209, 273
Rehabilitation, Standards for, 100, 199–202, 273
relics, 34, 37. *See also* archaeology
religious properties and institutions, 15, 59, 61, 78, 172, 176
renewable resources, 131
repatriation, 213, 220–222. *See also* Native American Graves Protection and Repatriation Act
Report of the Nation's Civil War Battlefields, 238
reports
  annual, 82, 95, 185, 225
  Battlefield Report, 238–239
  Congressional, 10–14, 172
  grants, 64
  progress, 37
  special, 82
repositories, 37
Reservoir Salvage Act, 34
reversion of ownership, 101–102
review boards, state, 49, 90–91
review processes, 19, 49, 55, 90–91, 132, 236
rewards, 182
right of possession, defined, 212–213
roads, construction/relocation of, 34
Ronald W. Reagan National Defense Authorization Act, 263–269

S

sacred sites and objects, 172, 211–213, 216, 219–221
safety programs, 236

Index

salvage, archeological, 38
salvage, law of, 197, 267
sanctuaries, biological, 134–148, 194
Scenic Byways Program, 233–236
scenic resources, 9, 233
schools/classrooms, 23
sea level rise, 150–151, 153–154, 163
Section 4(f) (DOT), 124
Section 106 (NHPA), 1, 57, 59, 70–76, 87, 94, 128, 177
Section 110 (NHPA), 48, 62, 71–76, 94, 119–120, 273
security, national, 75, 102, 122
self-help housing, 25
self-rehabilitated property, 206–208
shipwrecks, 2, 193–197. *See also* military craft
SHPO. *See* State Historic Preservation Office
signage, 235–236
significance, historic, 5, 10–11, 15–17, 29, 34, 44, 112, 114, 159, 165, 169, 170–171, 201, 206, 229–231, 235, 253–255
Smithsonian Institution, 62, 86, 110, 175, 211–212
socioeconomic impacts, 12, 139, 145
spacecraft, 268
specified official, defined, 23
standards
  accountability, 50
  archeology and historic preservation, 273
  documentation, 48
  Federal agency preservation programs, 273
  professional, 62, 72, 77, 109, 113
  rehabilitation, 100, 199–202, 273
  repatriation, 221
  treatment of properties, 101, 273
State Historic Preservation Officer/Offices (SHPOs), 2, 46–60, 64, 67, 73, 79, 90–91, 98, 100, 108, 125, 127, 195–196, 241, 243–244, 246–247, 249, 251, 254, 259, 270–271
State, Secretary of, 140
"state", variously defined, 23, 38, 88, 136, 175, 193
stations, rail. *See* terminals
studies, 10–13, 82, 133, 141, 144, 221
submerged lands, 103, 136, 141, 161, 193–194, 196
Submerged Lands Act, 141, 154, 194, 196
subsistence uses, 139
Sunken Military Craft Act, 263–269
Supreme Court building, 70
surface mining, 202
surplus property, disposal/transfer of, 23–28, 32, 74
surveillance, 141
surveys, 15, 35–36, 39, 50, 54, 186
suspensions of State programs, 49

T

tax programs, 78, 82, 199–202, 202–209
technical assistance, 2, 22, 42, 51, 106, 113, 130, 153, 230–231, 241, 270
Tennessee Valley Authority, 184, 186
terminals, rail passenger, 165–169
territories (US), 23, 269
threatened resources, 10, 35, 48, 60
Thunder Bay National Marine Sanctuary, 144
tourism, 119, 121–122, 139, 194, 234, 258–261
traditional cultural properties, 59, 78, 93, 172. *See also* Native American cultural items; sacred sites and objects
trafficking, illegal, 178–179, 216
training programs, 51, 60–63, 74, 82, 105–108, 259
transportation enhancement activities, 233–236
Transportation Equity Act for the 21st Century, 233
transportation impacts, 149
Transportation, Secretary/Department of, 124, 128, 139–140, 165–169, 233, 247, 249–250, 273
Treasury, Secretary of the, 67, 182, 201, 205–206
Treatment of Historic Properties, Standards for, 100–101, 273
tribal heritage, 57
tribal land, 56, 58, 73, 91, 211, 213–215
Tribal Preservation Officers/Programs, 57–59

Index

U

undertakings, Federal,
42, 51, 70, 72, 74, 76, 88–89, 110–111
underwater parks, 194
universities/colleges, 8, 63, 106, 108, 115, 117.
See also education

V

value, property, determinations, 23, 25, 65
violations, 145, 147, 179–180, 182, 186
Virgin Islands, 38, 88, 136, 175, 193–194, 229
visitor use, 12, 16, 229

W

waivers, 62, 75
warships, 268
waste disposal, 149
websites, 270–271
wetlands, 151, 153, 162–163
White House, 70
wildlife/waterfowl refuges, 124, 174
World Heritage, 44–45, 60, 62, 110, 273
Wyoming, 7–8

Z

zoning, 156–157, 168

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This fifth version of *Federal Historic Preservation Laws* contains 28 federal laws and portions of laws that pertain to the preservation of the United States' cultural heritage. Arranged chronologically, this publication demonstrates how the body of law has developed and grown over the course of the 20th century and beyond. Laws in this book span over a hundred years in time and cover a wide variety of subjects including preservation of historic buildings, disposition of abandoned shipwrecks, and repatriation of Native American artifacts. Past versions of Federal Historic Preservation Laws have helped everyone from government agencies and lawyers, to university professors and everyday citizens, to reference and understand the Federal framework of historic preservation law. This newest update aims to build on that function by presenting recent changes in the law in an intuitive format so that that groups and individuals may continue to draw upon it as a tool to preserve what makes their communities special.